

- Expands current law specifying the instances in which a payor or other third party is either liable or not liable for a payment made or an item of property or benefit transferred under the USDA.
- Provides that the bill does not impair any act done in any proceeding, or any right that accrued, before its effective date.

#### **Intestate succession**

- Specifies in intestate succession that a person described as living means the person was living at the time of the intestate's death and lived for at least 120 hours after such death, and a person is described as having died if the person died before the intestate or failed to live for at least 120 hours after the intestate's death.
- Provides that no descendant of an intestate inherits under the law on descent and distribution unless surviving the intestate for at least 120 hours, or unless born within 300 days after the intestate's death and living for at least 120 hours after birth.

#### **Ohio Trust Code**

- Provides that the Trust Code requirements for interested parties to enter into private settlement agreements regarding trust matters generally do not apply to agreements amending the governing instrument of charitable remainder trusts that require the approval of the Attorney General under continuing law.
- Specifies that an action under the Trust Code is a civil action subject to the Rules of Civil Procedure and is commenced by filing a complaint unless it involves a testamentary or other trust already subject to court supervision.
- Authorizes the holder of a limited testamentary power of appointment to also represent persons whose interests as possible appointees are subject to the power, to the extent no conflict of interest exists between the holder and the persons represented with respect to the particular question.
- Authorizes an agent under a power of attorney to create a trust for the principal, whether or not the principal has capacity to create the trust and indicates an intention to create the trust, but only as provided in the Uniform Power of Attorney Act.

#### **Uniform Principal and Income Act (UPIA)**

- Replaces current law with the following rules that generally apply in determining the allocation of a payment from a separate fund to a trust for which an election to qualify for a marital deduction is made or a trust that qualifies for the marital deduction under the Internal Revenue Code (IRC):
- A trustee must allocate a payment from a separate fund to income to the extent of the fund's internal income and distribute that amount to the surviving spouse, and allocate the balance to principal.
- If the trustee cannot determine the fund's internal income but can determine its value, the internal income is deemed to equal 4% of its value according to the most recent statement of value preceding the start of the accounting period.

- If the trustee cannot determine the fund's internal income or its value, the internal income is determined according to a formula in the IRC on the valuation tables for annuities.
- Specifies the applicable dates in which those new rules would apply depending on when or whether a payment has been received from a separate fund in relation to the bill's effective date or January 1 of the year the bill takes effect.
- Eliminates the current provision regarding the fiduciary duty of the trustee of a trust that qualifies for an estate tax marital deduction and is the beneficiary of an individual retirement account to withdraw and distribute the income of the account to the settlor's or testator's surviving spouse, and the satisfaction of that duty.
- Clarifies current law regarding the source of payment of income taxes paid by a trustee on the trust's share of an entity's taxable income, from income or principal or proportionately from principal and income depending upon the allocation of the receipts from the entity.

#### **Ohio Transfers to Minors Act (OTMA)**

- Generally permits the delay of the time for delivery to the minor of transferred custodial property until a specified time after the minor becomes 21, which time must be specified in the written instrument that provides for the gift or transfer.
- Generally provides that the time for delivery to the minor of custodial property transferred under a will, trust, or irrevocable exercise of a testamentary power of appointment may be delayed only if such instrument provides that the custodianship is until the minor attains a specified age which cannot be later than 25 years.
- Except in regard to the transfer of custodial real property, specifically permits a donor, transferor, trustee, executor, or administrator to designate one or more successor custodians.
- Permits a custodian to designate one or more successor custodians by transferring the custodial property, other than real estate, to self as custodian, followed by the designation of the successor custodian or custodians.
- Provides that the designation by a custodian of a successor custodian of custodial real estate is pursuant to the law on transfer on death of real property.
- Expands current law by providing that if no eligible successor custodian is designated under the OTMA as modified by the bill, the legal representative of a custodian who is deceased or adjudged to be an incompetent may designate a successor custodian.
- Raises the threshold amount from \$10,000 to \$25,000 for a transfer to be authorized by a court if a trustee, executor, or administrator makes a transfer of property that is in the minor's best interest and is not prohibited by or inconsistent with the applicable governing instrument.

#### **Sale of estate's real property by guardian**

- Expands current law by providing another method for a guardian to sell the estate's real property in which written consents of the ward's spouse and potential heirs to the sale must be filed with the court, the sale price must be at least 80% of the appraised value, and the guardian must give a bond.

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### **Franklin County guardianship program**

- Authorizes the Franklin County Probate Court to charge fees for certain services rendered in connection with the establishment and management of adult guardianships.
- Eliminates the authority of the Franklin County Probate Court to appoint the members and director of the Franklin County Guardianship Service Board as guardians and authorizes the Court to appoint the Board itself as guardian.
- Permits the director or designee of the Franklin County Guardianship Service Board to act on behalf of the Board on all guardianship matters, and authorizes the Board to charge a reasonable fee approved by the probate judge for services to wards.

### **Court and court clerk's computerization fees**

- Raises the additional maximum filing fee from \$3 to \$6 that the following courts may require to computerize the court or make available computerized legal research services: the probate court, domestic relations court, juvenile court, municipal court, county court, and Cuyahoga County Juvenile Court.
- Raises the additional maximum filing fee from \$10 to \$20 that any of the above courts may require to computerize the office of the clerk of court and to make technological advances in the office.

### **Revised Uniform Access to Digital Assets Act**

- Adopts the Revised Uniform Access to Digital Assets Act, which:
  - Authorizes specified fiduciaries (an agent under a power of attorney, an executor or administrator of an estate, a guardian, or a trustee) of another person to access a digital asset in which the other person has or had a right or interest;
  - Describes the scope of authority of fiduciaries and designated recipients in relation to digital assets;
  - Specifies the manner in which a fiduciary may access digital assets and a custodian may disclose those assets;
  - Authorizes a fiduciary to request a custodian to terminate a user's account and a guardian to request the termination or suspension of a ward's account for good cause;
  - Creates an order of priority if the user has provided contradictory directions with respect to the disclosure of the user's digital assets.
  - Permits a user to direct the custodian of the user's digital assets to disclose or not to disclose some

### **Additional Information**

- **Policy Advisor:** Scott Lundregan, (614) 466-1460, [Scott.Lundregan@OhioHouse.gov](mailto:Scott.Lundregan@OhioHouse.gov)
- **Amendment Accepted in House Committee:**
  - Spousal Vehicle Transfer – At the request of the Ohio Clerks of Court ORC Section 2106.18 was amended to permit a surviving spouse to elect to take

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ownership of a vehicle from the decedent in excess of the current aggregate amount of \$40,000 (with no more than 2 vehicles permitted to transfer). This increases the amount to \$65,000 so a grieving spouse need not go through the hassles of probating an estate if their vehicle has a FMV in excess of \$40,000 (but less than \$65,000).

- Parity for Court Computerization Fees – At the request of the Ohio Judicial Conference, an amendment was adopted to re-establish consistency among courts as to computerization fees. House Bill 197 from the 129th General Assembly (Eff. March 22, 2013) raised these fees from \$3.00 to \$6.00 for common pleas general division courts, but the definition utilized did not include all courts. The amendment makes it the higher cap on the permissible fee available to all courts.
- Franklin County Guardianship Services Board. – At request of the Ohio Judicial Conference and Franklin Probate Judge Montgomery an amendment to ORC Section 2101.026 was adopted to clarify that the Franklin County Services Board itself (rather than the director or board members) is to be the named guardian, with the director and any designee of the director acting on the Board's behalf. Also, the probate court must approve any fee charged by the Board for services to the ward.
- **Amendment Accepted in Committee; But Removed in Rules Committee:**
  - Out of State Structured Settlements – To resolve issues which have arisen regarding the transfer of structured settlement payment rights from structured settlements created and approved in states outside of Ohio, an amendment from the Ohio Judicial Conference was adopted to remove jurisdiction of Ohio courts over such transfer requests to eliminate judicial forum shopping.

## Caucus Agenda

Thursday December 8, 2016

### I. Concurrence Votes

- a. House Bill 463 – Rep. Dever – Foreclosure Reform
- b. House Bill 470 – Rep. Schuring -- Palliative Care Licensure
- c. House Bill 154 – Rep. Henne -- Bicycle Passing-Traffic Lights
- d. House Bill 347 – Rep. McColley – Civil Asset Forfeiture
- e. House Bill 438 – Rep. Brenner – Week Designation
- f. House Bill 476 – Rep. Schuring – Anti BDS
- g. House Bill 410 – Reps. Hayes and Rezabek – Truancy Reform
- h. House Bill 432 – Rep. Cupp – Decedent Estate

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**H.B. 476 SCHURING**  
**TO PROHIBIT A STATE AGENCY FROM CONTRACTING WITH A COMPANY THAT IS BOYCOTTING**  
**ISRAEL OR DISINVESTING FROM ISRAEL**

**House Co-Sponsors:** Speaker Rosenberger, Strahorn, Amstutz, Boyce, Brown, Celebrezze,  
Cera, Derickson, Driehaus, Hayes, McClain, Slesnick, Sprague, Buchy

**Bill History**

- 02/24/2016 – Introduced
- 04/13/2016 – Referred to Government Accountability and Oversight
- 05/18/2016 – **REPORTED** (9-1, Curtin; 5 Hearings)
- 11/29/2016 – **PASSED BY HOUSE** (88-13)
- 11/30/2016 – Referred to Government Oversight and Reform
- 12/07/2016 – **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**
- 12/08/2016 – *Senate Floor Vote Pending/House Concurrence Pending*

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Seth Metcalf, Deputy Treasurer</li><li>• Eric D. Fingerhut, Hillel International</li></ul>	<ul style="list-style-type: none"><li>• Numerous student/citizen activists and organizations</li></ul>	

**Key Provisions**

- Prohibits state agencies from entering into or renewing contracts with companies for certain supplies and services if the companies do not declare that they are not boycotting or disinvesting from Israel
- Requires companies to include a term in contracts with state agencies declaring that the company is not boycotting or disinvesting in Israel.
- Requires companies to include a term in contracts with state agencies agreeing not to boycott or divest from Israel for the duration of the contract.
- Establishes that companies are boycotting Israel if they refuse to engage in business or commercial activity with the Israeli government, a company operating in Israel, or a company operating in territory controlled by Israel to protest the Israeli government
- Establishes that companies are divesting from Israel if the Company is withdrawing invested funds from the Israeli government or a company operating in or controlled by Israel to protest the Israeli government

**Additional Information**

- **Senate Amendments:**
  - Expands the bill's provisions to prohibit state agencies from entering into or renewing contracts with companies for certain supplies and services if the companies do not declare that they are not boycotting any jurisdiction with whom Ohio can enjoy open trade, including Israel, and will not do so during the contract period, as

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opposed to requiring companies contracting with Ohio to declare only that they are not boycotting Israel

- Exempts from the definition of "boycott:" (1) a decision based on business or economic reasons, or the specific conduct of a targeted person or entity, (2) a boycott against a public entity of a foreign state when the boycott is applied in a nondiscriminatory manner, and (3) conduct necessary to comply with applicable law in the business's home jurisdiction.
- **Policy Advisor:** Dustin Russell, Majority Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

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**H.B. 438 (PATTERSON)**

**Ohio Public Education Appreciation Week-week before Thanksgiving week**

**House Co-Sponsors:** Boyd, O'Brien, M., Phillips, Smith, K., Lepore-Hagan, Ramos, Boccieri, Leland, Slaby, Brenner, Fedor, Cupp, Schaffer, Smith, R., Anielski, Antonio, Barnes, Bishoff, Boggs, Boyce, Brown, Craig, Dovilla, Duffey, Grossman, Hambley, Hayes, Johnson, G., Kuhns, Kunze, Manning, O'Brien, S., Reece, Rezabek, Roegner, Rogers, Ruhl, Ryan, Sheehy, Sweeney, Sykes, Thompson, Young  
**Senate Co-Sponsors:**

**Bill History**

- 1/27/2016 - Introduced
- 5/3/2016 - Reported out (19-0) from the House Education Committee (2<sup>nd</sup> Hearing)
- 5/18/2016 - House Floor Vote (95-1) (*NO-Dean*)
- 5/19/2016 - Introduced (Senate)
- 12/6/2016 - Reported out (8-0) from the Senate Education Committee (2<sup>nd</sup> Hearing)
- 12/8/2016 - Senate Floor Vote (31-0)

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• None</li></ul>	<ul style="list-style-type: none"><li>• None</li></ul>	<ul style="list-style-type: none"><li>• None</li></ul>

**Key Provisions**

- Designates the week prior to the week of Thanksgiving Day as "Ohio Public Education Appreciation Week"

**Additional Information**

**Amendments (Senate)**

**Disposal of property by school districts**

- **AM3262 (Lehner):** Modifies the timelines for the sale or lease of real property or unused facilities by a school district by requiring only one 60-day offer period to all start-up community schools and college-preparatory boarding schools within the district but retaining the priority status afforded to high-performing community schools. Requires the Department of Education to post in a prominent location on its website a list of schools that qualify as high-performing community schools.



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Classroom facilities assistance for certain consolidating school districts

- **AM4165 (Lehner):** Amends H.B. 148 (LaTourette, Patterson) into HB 438.
  - Requires the School Facilities Commission, if it determines that a city, local, or exempted village school district is an "eligible school district," to give that district first priority for funding for a project under the Classroom Facilities Assistance Program as such funds become available, regardless of the district's percentile ranking for that program.
  - Specifies that, if an "eligible school district" results from a transfer, merger, consolidation, or creation of a new local district that takes place prior to the bill's effective date, the district's portion of the total project cost must be the required percentage of the basic project cost based on the percentile ranking of the lowest wealth district that was transferred, merged, consolidated, or existed prior to the creation of the new district.
  - Permits the Commission to reduce an eligible school district's portion of the total project cost of the project in certain prescribed circumstances.
  - Repeals a provision of existing law that requires the Commission to adopt rules providing guidelines for prioritizing facility funding for districts that voluntarily develop certain joint use agreements and permits the Commission to advance the funding priority for projects of districts that are parties to such agreements.

Anatomical gift instruction

- **AM3236 (Lehner):** Amends HB 137 (Grossman, Phillips) into HB 438. Requires each school district to include instruction in the process of making an anatomical gift in the district's health curriculum. Requires the Second Chance Trust Fund Advisory Committee to submit recommendations for instruction in the process of making an anatomical gift to the Department of Education by July 1, 2017. Requires the Department, upon receiving the recommendations, to publish them on its website.

School counselor evaluations

- **AM3246 (Lehner):** Permits a school district or school, beginning with the 2017-2018 school year, to choose not to evaluate school counselors who were on leave for a majority of the school year or have submitted a notice of retirement.

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); [nick.derksen@ohiohouse.gov](mailto:nick.derksen@ohiohouse.gov)

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**SUB. H.B. 410 (HAYES, REZABEK)**

With regard to habitual and chronic truancy and compulsory school attendance

House Co-Sponsors: Brenner, Blessing, Henne, Manning, Patmon, Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Grossman, McClain, Ryan, Sheehy, Slaby, Smith, R., Sweeney, Young, Speaker Rosenberger  
Senate Co-Sponsors: N/A

**Bill History**

- 12/9/2015 - Introduced
- 2/23/2016 - Reported as a substitute bill (15-1) (*No-Patterson*) from House Education Committee (4<sup>th</sup> Hearing)
- 5/4/2016 - House Floor Vote (92-1) (*No-Buchy*)
- 5/10/2016 - Introduced (Senate)
- 12/6/2016 - Reported as a substitute bill (10-0) from Senate Education Committee (6<sup>th</sup> Hearing)
- 12/8/2016 - Senate Floor Vote (30-0)
- House Concurrence Pending

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> <li>• Erin Davies (Juvenile Justice Coalition)</li> <li>• Children's Defense Fund</li> <li>• Sarah Bryer (National Juvenile Justice Network)</li> <li>• Angela Lee (Easter Seals Ohio)</li> <li>• Amari Gwinn</li> <li>• Megan Farley (Clark County Prosecutor's Office)</li> <li>• Chris Shamro (St. Vincent DePaul Society)</li> <li>• Wendy Tarr (Vincentian Ohio Action Network)</li> <li>• Tandra Rutledge (Ohio PTA)</li> <li>• Janet Hales (Ohio Poverty Law Center)</li> <li>• Kimberly Jordan (Justice for Children Project)</li> <li>• Robert Cole (Advocates for Basic Legal Equality)</li> <li>• Dustin McKee (Voices for Ohio's Children)</li> </ul>		<ul style="list-style-type: none"> <li>• Judge David Hejmanowski (Delaware County Probate Court/Juvenile Court)</li> <li>• David Romick (The Ohio 8 Coalition)</li> <li>• Adrian Allison (The Ohio 8 Coalition)</li> <li>• Melissa Cropper (Ohio Federation of Teachers)</li> <li>• Tom Ash (BASA)</li> <li>• Barbara Shaner (OASBO)</li> <li>• Damon Asbury (OSBA)</li> <li>• Lisa Wurm (ACLU of Ohio)</li> <li>• Students for Education Reform</li> <li>• Gabriella Celeste (CWRU Schubert Center for Child Studies)</li> </ul>

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<ul style="list-style-type: none"> <li>• Elizabeth Laureano (Legal Aid Society of Southwest Ohio, LLC)</li> <li>• Melissa Arnold (American Academy of Pediatrics)</li> <li>• Scott DiMauro (Ohio Education Association)</li> <li>• Margaret Tazewell (Knox County HeadStart)</li> </ul>		<ul style="list-style-type: none"> <li>• Dr. Jason Fruth (Wright State University)</li> <li>• Michael Hanlon (Chardon Local School District)</li> <li>• Jeff Brown (Granville Exempted Village School District)</li> <li>• Kimberly Laurie (Office of Judge Grendell)</li> </ul>
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#### Senate Floor Amendments

- Took out provision requiring district to adopt a tiered approach zero tolerance policy.
- Changed threshold for exemption of intervention team from 10 % chronic absenteeism rate to 5% chronic absenteeism rate.
- Added House Bill 464 (Passed House 96-0 on 12/6/2016:
  - Eliminates repayment liability for Ohio National Guard scholarship recipients who enlist in, or are warranted, commissioned, or appointed to an active component or active reserve component of the United States Armed Forces.
  - Creates a liability exemption to scholarship recipients who were liable for repayment on or before September 30, 2016, for failing to complete their enlistment term with the Ohio National Guard due to enlistment, warrant, commission or appointment in the active reserve component of the United States Armed Forces.
  - Requires the state to return payments already made by scholarship recipients previously liable for repayments on or before September 30, 2016, that would no longer be liable under the bill.
  - Requires the Adjutant General to develop and provide a written explanation that must be reviewed by the scholarship recipient that informs all eligible scholarship recipients that the recipient may become ineligible and liable for scholarship repayment under certain circumstances.

#### Key Provisions

##### *Truancy levels*

- Changes the threshold for "habitual truancy" from a specified number of days to a specified number of hours
- Eliminates the term "chronic truant" and, instead, provides that a child of compulsory school age who has been adjudicated an habitual truant who violates the court order regarding that adjudication may be further adjudicated a "delinquent child"

##### *Prohibition on suspension or expulsion for truancy*

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- Prohibits a school district or school from suspending, expelling, or removing a student from school solely on the basis of a student's unexcused absences and removes "excessive truancy" from the specifications for a school district's zero tolerance policy for violent, disruptive, or inappropriate behavior

*District and school policies on addressing truancy*

- Modifies the components of the required policy on addressing and ameliorating student absences and requires the establishment of an absence intervention team for each student who is absent from school for a number of days that exceeds the threshold for an habitual truant
- Requires the attendance officer to notify a student's parent, guardian, or custodian in the event the student is absent with or without legitimate excuse for 38 or more hours in one school month or 65 hours in a school year
- Requires each absence intervention plan to state that the attendance officer must file a complaint not later than 60 days after the date the plan was developed, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication
- Requires a school district or school to (1) make at least three meaningful, good faith attempts to secure participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian within the seven school days allotted to forming an absence intervention team and (2) investigate whether failure to respond to those attempts triggers mandatory reporting to child protective services
- Requires each school district and school to report to the Department of Education the occurrence of certain triggering events with respect to a student's absences, including whenever a child has received enough unexcused absences that the child is considered an habitual truant
- With specified exceptions, generally requires a complaint to be filed in juvenile court against a student (and against any person who fails to cause the child's attendance at school) on the 61st day after the implementation of an absence intervention plan, provided that the school district made meaningful attempts to reengage the student and the student refused to participate or failed to make satisfactory progress, as determined by the team

*Juvenile court complaints*

- Requires the juvenile court, upon the filing of a complaint that a child is unruly based on the child's habitual truancy, to consider an alternative to adjudication and provides that the court must consider the complaint only as a matter of last resort
- Requires the juvenile court to provide notice of any adjudication of an unruly child for being an habitual truant or adjudication of a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant to the school district and school in which the child was enrolled at the time of filing the complaint
- Requires the juvenile court, when submitting its annual report, to specify the number of children placed in alternatives to adjudication, the number who successfully complete those programs, and the number who fail to complete those programs and were therefore adjudicated unruly

*State Board of Education model policy on absence intervention*

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- Requires the State Board of Education to develop a model policy for violent, disruptive, or inappropriate behavior, including excessive absences, that stresses preventative strategies and alternatives to suspension or expulsion, for use by schools in complying with the modified requirements

*Consequences for failure to send a child to school*

- Clarifies that the parent, guardian, or custodian of an adjudicated truant child must provide a surety bond in the sum of not more than \$500 as required by the court.
- Specifies that an act that contributes to an adjudication of a child as a delinquent child because of the violation of a court order with respect to truancy is a first degree misdemeanor.

*Affirmative defense*

- Permits the defendant of an habitual truancy complaint to assert as an affirmative defense the fact that the student did participate in or made satisfactory progress on the absence intervention plan or other alternatives to adjudication.

**Additional Information**

- **Substitute Bill (-3):** A substitute bill was accepted in committee on February 16, 2016 that
  - Eliminates the term "chronic truant" and, instead, provides that a child of compulsory school age who has been adjudicated as an unruly child for being an habitual truant and who violates the court order regarding that adjudication may be further adjudicated a "delinquent child"
  - Expressly prohibits any public school from suspending, expelling, or removing a student from school solely on the basis of the student's absences from school without legitimate excuse.
  - Requires the juvenile court to consider an "alternative" to adjudication, including actions that constitute a method to divert the child from the juvenile court system, using the Rules of Juvenile Procedure, or by any other means if such an alternative is available to the court and the child has not already participated or failed to complete one of the available alternatives
  - Provides that "the court shall consider the complaint only as a matter of last resort"
  - Provides that, not later than ten days after a child is adjudicated a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant, the court must provide notice of that fact to the school district in which the child is entitled to attend school and to the school in which the child was enrolled at the time of the filing of the complaint
  - For consequences for failure to send a child to school, the trigger is contributing to an adjudication of the child as a delinquent child, based on the child's violation of a court order adjudicating the child an unruly child for being an habitual truant
  - The surety bond is now in the sum of not more than \$500

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- Changes the effective date of school policies on absences to be adopted or amended for the 2017-2018 school year.
- **Substitute Bill (-4):** A substitute bill was accepted in committee on April 20, 2016 that
  - Requires the superintendent or principal or chief administrator to select the members of an absence intervention team within seven school days of the triggering absence and requires at least three meaningful, good faith attempts to secure participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian within that time period
  - Requires the school district to inform the parent of the parent's right to appear by designee if the student's parent responds to the attempts to secure participation, but is unable to participate for any reason
  - In the event the parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond, the bill now requires the school district to: (1) investigate whether the failure to respond triggers mandatory reporting to the public children's services agency for the county in which the child resides, and (2) instruct the absence intervention team to develop a plan for the child without the child's parent, guardian, custodian, guardian ad litem, or temporary custodian
  - In prosecuting a truancy complaint, clarifies that the prosecutor must prove beyond a reasonable doubt that a child is of compulsory school age and was absent without legitimate excuse for absence from the public school the child was supposed to attend for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year.
  - Permits the defendant of a habitual truancy complaint to assert as an affirmative defense the fact that the student did participate in or made satisfactory progress on the absence intervention plan or other alternatives to adjudication.
  - Removes a school district administrator and a teacher from the team and instead requires the team to include: (1) a representative from the child's school district or school, (2) another representative from the child's school district or school who knows the child, and (3) the child's parent (or parental designee, guardian, custodian, guardian ad litem, or temporary custodian
  - Changes the 30 day deadline in the (-3) version to 14 school days
  - Specifies that each intervention plan must vary based on the individual needs of the student, but requires each plan to state that the attendance officer must file a complaint not later than 60 days after the date the plan was developed, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication
  - Requires, within seven days after the development of the plan, the school district or school to make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan
  - Report of instances of truancy, notice to parent, and absence intervention team implementation will begin with the 2017-2018 school year
  - Removed (-3) version relating to an attendance officer duty to file a complaint, and instead requires the attendance officer to file a complaint in juvenile court against a student on the 61st day after the implementation of an absence intervention plan, provided that all of the following apply:
    - (1) The student was absent without legitimate excuse from the public school the child is supposed to attend for 30 or more consecutive hours, 42 or more hours in one school month, or 72 or more hours in a school year;

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- (2) The school district or school has made meaningful attempts to reengage the student through the absence intervention plan and any offered alternatives to adjudication
  - (3) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered alternative to adjudication
  - Requires the attendance officer to immediately file a complaint (and suspend the 60-day requirement described above) against a student who, at any time during the implementation phase of the absence intervention plan, is absent without legitimate excuse 30 or more consecutive hours or 42 or more hours in one school month.
  - Permits the school district, in its discretion, to extend the implementation of the plan and delay the filing of the complaint for an additional 30 days from the first day of the instruction of the next school year in the event that the 61st day after the implementation of the absence intervention plan falls on a day during the summer months
  - In the event that a student becomes habitually truant within 21 school days prior to the last day of instruction of a school year, permits the school district or school to either (1) assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer, or (2) toll the time periods to accommodate the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year
  - Specifies that if the school district or school chooses to develop a plan during the summer, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year
  - Requires, upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, and where the child is considered an habitual truant, the board of education to, file a complaint jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the same timelines and conditions with which an attendance officer is required to comply as described above
- **AM2054:** An amendment was accepted by the committee on April 20, 2016 that would give the school district some discretion to the school attendance officer by stipulating that he/she does not have to file a complaint if the team determines that substantial progress has been made on the intervention plan.

#### Senate Amendments

##### Multidisciplinary truancy teams: pilot program

- **AM2631x2 (Lehner):** This amendment would put in a pilot program for the 2017-2018 and 2018-2019 school years through the Ohio Family and Children First Cabinet Council. This pilot program differs from the intervention plan laid out in HB 410. The Council would act as a "screening body" to approve the intervention teams' participation. The participant schools would report their data back to the Council. This pilot also puts forth different individuals who can participate on the intervention team from HB 410 (we suggested it should be the same as the bill). The pilot mentions "multiple interventions" for a child that has missed them – does not specify a number before further action should be taken. (uncodified)

Updated December 8, 2016

Exemptions for school districts with low chronic absenteeism

- **AM2938 (Lehner):** This amendment makes to changes to the bill. First, the amendment expands the option of just a "plan" to "or other intervention strategies". Second, the amendment would allow a school district that has less than 10 5 percent chronic absenteeism from the most recent report card to be exempt from the requirement to assign habitually truant students to an intervention team and, instead, use the policy developed by the local school board.

Out-of-school suspensions

- **AM2639 (Lehner):** This amendment would allow a student, if suspended, to make up homework.
- **AM2605x4 (Lehner):** This amendment would toll summer suspensions where a superintendent may instead require a student to participate in a community service program or another "alternative consequence" for the number of remaining hours in the suspension. If the student fails to complete the community service or alternative, the school district can make the determination of another alternative, but it shall not include out-of-school suspension.

Date Changes

- **AM2809 (Lehner):** Technical change of effective date of ban on suspension for truancy to year 2017.
- **AM3069 (Lehner):** Changes the deadline for an attendance officer to file a complaint to sixty-one days; and makes a technical change from "developed" to "implemented".

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); [nick.derksen@ohiohouse.gov](mailto:nick.derksen@ohiohouse.gov); Scott Lundregan, 614.466.1460; [scott.lundregan@ohiohouse.gov](mailto:scott.lundregan@ohiohouse.gov)



**From:** Lundregan, Scott

**Sent:** Thursday, December 8, 2016 11:39 PM

**To:** Kasych, Shawn; Russell, Dustin

**CC:** Kerns, Emily; Sarko, Alyssa; Yapple, Tyler

**Subject:** Caucus 3

**Attachments:** H.B. 451 (REP. BOOSE) Life-support-forfeit priority-protection order, separation proceedings.docx; Bill Brief\_SB 329 Sunset Review GAO.PDF; Caucus Agenda Concurrence 3.docx; H.B. 554.docx; H.B. 451 (REP. BOOSE) Life-support-forfeit priority-protection order, separation proceedings.docx; HB 444 LIQUOR PERMIT HOLDERS-SAMPLES (Blessing III, L.pdf; Sub. SB 3 Bill Brief.docx; HB 520 (Schuring) -State public retirement systems.pdf; Caucus Agenda Concurrence 3.docx

**Follow Up Flag:** Follow up

**Flag Status:** Completed

**Scott Lundregan**

Majority Deputy Legal Counsel

House Republican Caucus

Ohio House of Representatives

614-466-1460

### **H.B. 451 (REP. BOOSE)**

Life-support-forfeit priority-protection order, separation proceedings

**House Co-Sponsors:** Rep. Dorothy Pelanda, Rep. Cheryl L. Grossman, Rep. Nan A. Baker, Rep. John Becker, Rep. Paul Zeltwanger, Rep. John M. Rogers, Rep. Jim Butler, Rep. Nathan H. Manning, Rep. Nicholas J. Celebrezze, Rep. Stephen D. Hambley, Rep. Emilia Strong Sykes

#### **Bill History**

- 5/10/2016 – House Judiciary Committee Report (13-0)
- 5/25/2016 – House Floor Vote (97-0)
- 12/8/2016 – Senate Floor Vote (31-0)
- House Concurrence Pending

#### **Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Beverly Vera</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

#### **Senate Amendments**

- Prevents an attorney in fact from making decisions pertaining to the use or continuation of life-sustaining treatment or the provision of nutrition or hydration to a principal if the attorney in fact is subject to a protection order issued in Ohio or another state and in which the principal is the alleged victim.
- Provides that an individual who has been charged with felonious assault or aggravated assault against a patient is not competent under the individual's statutory priority to decide whether or not to consent to the withholding or withdrawal of life-sustaining treatment for the patient if the physical harm or serious physical harm suffered as a result of the offense directly caused the patient's terminal condition.
- Voids an objection made to a living will of a patient by a person who would not be competent under the person's individual statutory priority to decide

whether or not to consent to the withholding or withdrawal of life-sustaining treatment for a patient.

### **Key Provisions**

- Provides that an individual is not competent under the individual's statutory priority to make a decision whether or not to consent to the withholding or withdrawal of life-sustaining treatment for a patient if any of the following applies:
  - The individual is married to the patient and they are parties to a pending divorce, dissolution, legal separation, or annulment proceeding;
  - The individual is subject to a protection order issued by a court in Ohio or another state and the patient is the alleged victim;
  - The individual is charged with felonious assault or aggravated assault against the patient directly resulting in the patient being in a terminal condition from the physical harm or serious physical harm suffered as a result of the offense.
- Provides that a member of a class of individuals is not competent under the statutory class priority to make a decision described above if the member is subject to a protection order issued by a court in Ohio or another state and the patient is the alleged victim.
- Specifies that in each of the preceding dot points, the next priority individual or class of individuals or other members of the class of individuals are authorized to make the appropriate decision.
- Provides that an individual who is not competent to make a decision whether or not to consent to the withholding or withdrawal of life-sustaining treatment cannot object to a consent given by a priority individual or class of individuals.
- Excludes an individual who is not competent to make a decision whether or not to consent to the withholding or withdrawal of life-sustaining treatment from doing either of the following:
  - Testifying and presenting evidence at a hearing relative to the use or continuation of nutrition and hydration for the patient;
  - Filing an action in the probate court as a priority individual or member of a priority class of individuals for the issuance of an order mandating the use or continuation of comfort care for the patient.
- Prevents an attorney in fact from making decisions pertaining to the use or continuation of life-sustaining treatment or the provision of nutrition or hydration to a principal if the attorney in fact is subject to a protection order issued in Ohio or another state and in which the principal is the alleged victim.
- Voids an objection made to a living will of a patient by a person who would not be competent under the person's individual statutory priority to decide

whether or not to consent to the withholding or withdrawal of life-sustaining treatment for a patient.

**Additional Information**

- **Policy Advisor:** Scott Lundregan, 466-1460,  
Scott.Lundregan@OhioHouse.gov

Updated December 8, 2016

**S.B. 329 JORDAN/FABER**  
**Sunset Law – Revise**

**House Co-Sponsors:**

**Senate Co-Sponsors:** Coley, Bacon, Burke, Eklund, Hackett, Hite, Obhof, Peterson, Uecker

**Bill History**

- 05/17/2016 – Referred to Government Oversight and Reform
- 09/28/2016 – **REPORTED OUT – Substitute Bill** (3 hearings; 8-3 Patton)
- 09/28/2016 – **PASSED BY SENATE** (22-8 Patton)
- 11/10/2016 – Referred to Government Accountability and Oversight
- 12/08/2016 – **REPORTED OUT** (8-3; Party Line)
- 12/08/2016 – *Floor Vote Pending*

**Stakeholders**

Proponent	Opponent	Interested Party
	<ul style="list-style-type: none"><li>• Lisa Hamler-Fugitt, Co-Chair, Ohio's Future</li><li>• Wendy Patton, Policy Matters</li></ul>	<ul style="list-style-type: none"><li>• Greg Lawson, Buckeye Institute (Senate)</li></ul>

**Key Provisions**

- Establishes a procedure for the General Assembly to periodically review cabinet departments and establishes a schedule for departments that are not renewed to cease operation.
- Authorizes the General Assembly to review, consider, and evaluate the usefulness, performance, and effectiveness of other departments.

**Additional Information**

- **Amendments accepted in committee:** *Pending*
- **Policy Advisor:** Dustin Russell, Majority Deputy Policy Director, 466-2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

## Caucus Agenda

Thursday December 8, 2016

- I. Concurrence Votes
  - a. House Bill 172-- CRIMINAL RECORDS LAW (Scott Lundregan)
  - b. House Bill 471 \BOARDS DISSOLUTION (Dustin Russell)
  - c. House Bill 554 -- Renewable Energy (Amstutz)
  - d. House Bill 444 -- LIQUOR PERMIT HOLDERS-SAMPLES (Blessing III, L)
  - e. House Bill 451 -- LIFE SUPPORT-RELATIVE (Boose, T)
  - f. House Bill 580 -- MONTH-DAY DESIGNATION (Huffman)
  - g. House Bill 520- PUBLIC RETIREMENT SYSTEMS (Schuring, Ramos)
- II. Bills For Third Consideration
  - a. SB 3 Brenner
  - b. SB 329 Blessing
  - c. SB 76 Butler

Updated December 8, 2016

**H.B. 444 REP. BLESSING**

To amend section 4301.22 of the Revised Code to allow A-1-A, A-1c, and certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor, as applicable, to a person who is 21 years old or older and a paying customer of the permit holder

**Bill History**

- 5/24/2016 – House Floor Vote (93-3)
- 12/8/2016 – Senate Floor Vote (30-0)
- House Concurrence Pending

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Ohio Restaurant Association</li><li>• Ohio Craft Brewers Association</li></ul>		

**Key Provisions**

- Allows A-1-A, A-1c, and certain D liquor permit holders to provide, in any 24-hour period, up to four free tasting samples of beer, wine, and spirituous liquor to a person who is 21 or older and a paying customer of the permit holder.

**Senate Amendments**

- Excludes A-1-A permit holders that are wine manufacturers (A-2 and A-2f liquor permit holders) from the authority to provide the four free tasting samples of beer, wine, or spirituous liquor in any 24-hour period as authorized in the House-passed version of the bill.

**Additional Information**

- Policy Advisor: Dustin Russell, 466.2179, [dustin.russell@ohiohouse.gov](mailto:dustin.russell@ohiohouse.gov)

**SUB. S.B. 3 (HITE AND FABER)**

**Schools-exempt high performing districts/student assessments/health services/bidding thresholds for building and repair contracts/develop legislation-high performing districts-improve safety and security**

**House Co-Sponsors: Brenner**

**Senate Co-Sponsors: Coley, Gardner, Lehner, Balderson, Beagle, Burke, Eklund, Hughes, Jones, Jordan, LaRose, Manning, Hottinger, Peterson, Seiz, Uecker, Widener, Obhof, Oelslager, Patton,**

**Bill History**

- 2/2/2015 - Introduced
- 3/25/2015 – Reported (9-4) as a substitute bill from Senate Education Committee (4<sup>th</sup> Hearing)
- 3/25/2015 – Senate Floor Vote (24-9)
- 1/27/2016 – House Education Committee (4<sup>th</sup> Hearing, all testimony)
- 12/7/2016 – Reported (11 - 6) as a substitute bill from the House Education Committee (6<sup>th</sup> Hearing)

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"> <li>• Steve Rose (Russia Local Schools)</li> <li>• Tony Podojil (The Alliance for High Quality Education)</li> <li>• Tom Hosler (Perrysburg Schools)</li> <li>• Scot Prebles (Brecksville-Broadview Heights City School District)</li> <li>• Gail Kist-Kline (Mason City Schools)</li> <li>• Brian Poe (Copley-Fairlawn City Schools)</li> <li>• Julie Sellers (The Ohio 8)</li> <li>• Lori Ward (The Ohio 8)</li> </ul>	<ul style="list-style-type: none"> <li>• Brad Maguth (Department of Curricular and Instructional Studies, The University of Akron)</li> <li>• Jeanne Melive</li> </ul>	<ul style="list-style-type: none"> <li>• Tom Ash (BASA)</li> <li>• Jennifer Hogue (OSBA)</li> <li>• Barbara Shaner (OASBO)</li> <li>• Andrew Vaughn (The New Teacher Project)</li> <li>• Joe Hettler (The New Teacher Project)</li> <li>• Kate King (Ohio Association of School Nurses)</li> <li>• Ann Sheldon (Ohio Association of Gifted Children)</li> <li>• Ann Brennan (Ohio School)</li> </ul>



<ul style="list-style-type: none"> <li>• Kimberly Wilson (Tolles Career and Technical Center)</li> <li>• Judy Wells (Apollo Career Center)</li> <li>• Jeff Price (Ohio Hi-Point Career Center)</li> <li>• Matt Verber (StudentsFirst)</li> <li>• Chuck Bartsche (StudentsFirst)</li> <li>• Destin Grayson (StudentsFirst)</li> <li>• Elyse Giardullo (StudentsFirst)</li> <li>• Gabrielle Jackson (StudentsFirst)</li> <li>• Gauthan Kaveti (StudentsFirst)</li> <li>• Jennifer Hakko (StudentsFirst)</li> <li>• LK Williams (StudentsFirst)</li> <li>• Marshay Strong (StudentsFirst)</li> <li>• Penn Berens (StudentsFirst)</li> <li>• Anita Ruffin (StudentsFirst)</li> <li>• Shareese Aouad (StudentsFirst)</li> <li>• Tom Brady (StudentsFirst)</li> <li>• Tony Vitanza (StudentsFirst)</li> <li>• Dani Parker (StudentsFirst)</li> </ul>		<p>Psychologists Association)</p> <ul style="list-style-type: none"> <li>• Mary Beth Freeman (Delaware Area Career Center)</li> <li>• Joyce Malainy (Career and Technology Education Centers of Licking County)</li> <li>• Scott DiMauro (OEA)</li> <li>• Matt Verber (StudentsFirst) – in House</li> </ul>
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### **Key Provisions**

(Omnibus amendments reflected in key provisions)

### **I. Academic assessments**

**Limits on state assessments**

- Limits the cumulative amount of time spent on the administration of state and district-wide assessments to 2% of the school year beginning with the 2017-2018 school year.
- Limits the cumulative amount of time used for taking practice or diagnostic assessments used to prepare for state and district-wide assessments to 1% of the school year beginning with the 2017-2018 school year.
- Exempts from the time limitation assessments administered to students with disabilities, diagnostic assessments for students who fail to attain a passing score on the third-grade English language arts assessment, assessments used to identify gifted students, and alternatives to certain end-of-course examinations.

**Diagnostic assessments**

- Eliminates the current requirement that school districts and schools administer diagnostic assessments to students in grades one through three in writing and mathematics, but retains diagnostic assessments for kindergarten students and reading assessments for students in grades one through three beginning with the 2017-2018 school year.

**Kindergarten readiness assessment for chartered nonpublic schools**

- Authorizes chartered nonpublic schools to administer the kindergarten readiness assessment beginning with the 2018-2019 school year.
- Requires the Department of Education to furnish the kindergarten readiness assessment to chartered nonpublic schools.

**Substitute end-of-course exams**

- Specifies that, in order to calculate a student's score on a substitute end-of-course exam, a score of 2 on an Advanced Placement (AP) exam or a score of 2 or 3 on an International Baccalaureate (IB) exam is equivalent to a proficient level of skill.

**Exemption from college and career readiness assessment**

- Exempts the following students who are enrolled in public and private high schools from the requirement to take the college and career readiness assessment: (1) students with significant cognitive disabilities, (2) students with an intellectual disability, (3) limited English proficient students who have been enrolled in United States schools for less than two years, and (4) students who received a "remediation free" score on the assessment.

**Alternative measures of career-technical skill attainment**

- Requires the Department of Education to consider an industry-recognized credential or a state agency- or board-issued license for practice in a vocation that

- requires an exam for issuance of that license as an acceptable measure of technical skill attainment, except as otherwise required by federal law.
- Prohibits the Department from (1) requiring a student with such a credential or license to take additional technical assessments, and (2) requiring a student, who has participated in or will be participating in a credentialing assessment aligned to the student's career-technical education program or has participated in or will be participating in taking an examination for issuance of such a license aligned to the student's career-technical education program to take additional technical assessments.
  - Specifies that, if a student does not participate in the credentialing assessment or the license examination, then the student must take the applicable technical assessments required by the Department.
  - Requires the Department to develop procedures (1) for identifying industry recognized credentials and licenses aligned to a student's career-technical education program that can be used as an acceptable measure of technical skill, and (2) for identifying students in the process of earning such credentials or licenses.
  - Requires that the procedures described above be developed in consultation with the Ohio Association for Career and Technical Education, the Ohio Association of Career-Technical Superintendents, the Ohio Association of City Career-Technical Schools, and "other stakeholders."

## **II. Teacher licensure**

### **Ohio Teacher Residency Program**

- Specifies which components an individual who is teaching career-technical education courses under an alternative resident educator license must fulfill under the Ohio Teacher Residency Program.
- Exempts an individual who is teaching career-technical courses under an alternative resident educator license from taking the performance-based assessment prescribed by the State Board for resident educators.
- Requires the Department, not later than December 31, 2017, and in collaboration with interested parties, to establish a method to assess if career-technical teachers teaching under an alternative resident educator license are qualified for a professional educator license.
- Permits school districts and schools, beginning with the 2017-2018 school year, to not conduct teacher evaluations for teachers participating in the Ohio Teacher Residency Program for the year during which those teachers take the majority of the required performance-based assessment for resident educators.

**Alternative resident educator license**

- Qualifies for an alternative resident educator license an individual who has not completed coursework in the subject area for which the individual is applying to teach.

**III. Exemptions**

**Exemptions for certain school districts**

- Exempts qualified school districts for three school years from several requirements of current law regarding teacher qualifications under the third-grade reading guarantee, teacher licensing, mentoring under the Ohio Teacher Residency Program, and class size restrictions.
- Qualifies a school district for the above exemptions if, on its most recent report card, the district received (1) at least 85% of the total possible points for the performance index score, (2) an "A" for performance indicators met, and (3) at least 93% and 95% for the four-year and five-year adjusted cohort graduation rate, respectively.

**IV. Other K-12 education provisions**

**Alternative facilities funding proposal**

- Requires the School Facilities Commission, by December 15, 2017, to develop and submit to the General Assembly a legislative proposal for assisting certain school districts to receive funding under the Classroom Facilities Assistance Program.

**Competitive bidding threshold.**

- Increases the competitive bidding threshold for school building and repair contracts from \$25,000 to \$50,000.

**Mathematics credit for career-technical education students**

- Requires the career-based pathway mathematics course that may be used as an alternative to Algebra II for students pursuing a career-technical instructional track to be approved by the Department of Education.

**Eligibility for Ed Choice scholarships**

- Specifies that a school district or building that is designated at the time of the bill's effective date as eligible for the Educational Choice Scholarship Program

continues to be Ed Choice-designated through the 2018-2019 school year, regardless of whether the district or building meets the current law conditions that would make the district or building no longer eligible for Ed Choice.

**Correction of tax certifications for foundation funding**

- Requires the adjustment, for purposes of foundation funding, of countywide tax certifications for tax years 2012, 2013, and 2014 on the abstracts of real property or real and public utility property if the certified valuations in any of those tax years vary from the countywide aggregate amount of valuation on the tax duplicates by more than \$30 million.

**Community school provisions**

- Modifies the membership requirements for community school governing authorities.
- Permits a community school to provide admission preference to children of full-time staff members employed by the school.
- Permits the sheriff to enter into contracts with a community school governing authority under which the sheriff may exercise any police power or render any police service for the school.
- Changes the school year by which a community school must comply with the plan for awarding high school credit based on demonstration of subject area competency from the 2016-2017 school year to the 2017-2018 school year.

**Grades offered by STEM schools and equivalents**

- Expands the grades that STEM schools and STEM school equivalents may offer to any of grades K-12, rather than any of grades 6-12 as under current law.

**Performance audits and operations study of ESCs**

- Generally, permits the Auditor of State to conduct a performance audit of any educational service center.
- Requires the Auditor of State to conduct a comprehensive operational study of all educational service centers in the state within three years after the bill's effective date.

**Diplomas for home-schooled students**

- Removes the alternative requirement that a diploma for a home-schooled student include a certification signed by the superintendent of the student's resident school district stating that the student and the student's parents have complied with state law regarding home instruction.

**State Seal of Biliteracy**

- Requires the State Board of Education to establish the State Seal of Biliteracy, which may be attached or affixed to the transcripts of qualifying public and nonpublic high school students and to the diplomas of homeschooled students, to

demonstrate the attainment of a high level of proficiency in one or more languages in addition to English sufficient for meaningful use in college and a career.

- Requires each district and school to identify students who have completed the requirements to earn a State Seal of Biliteracy.
- Prohibits a district or school from charging a fee for assigning a State Seal of Biliteracy on a student's transcript, but permits a student to be required to pay a fee to demonstrate proficiency in a language.

#### **Joint vocational school district board membership**

- Allows either a board member of a school district that is part of a joint vocational school district (JVSD) or an individual with experience or knowledge of the labor needs of the region to be a JVSD board member.

- Removes term limits for JVSD board members.
- Permits all JVSD boards, instead of just those with more than 30 members (as under

current law) to submit an application to the Superintendent of Public Instruction for approval to stagger its members' terms of office.

Interscholastic athletics

- Permits a student enrolled in a nonpublic school to participate in interscholastic activities at the school district in which the student's nonpublic school is located, so long as certain criteria are met.

- Prohibits a student who participates in the College Credit Plus (CCP) program from

being denied the opportunity to participate in interscholastic athletics offered by the student's school, solely due to the student's participation in the program.

#### **Other**

- Expands the grade levels (from grades 8 through 11 to grades 6 through 11) for which each public and chartered nonpublic school must provide information to students about the advanced standing programs offered by that school.
- Codifies a provision of uncodified law that specifies the requirements for the nonprofit corporation that implements the Bright New Leaders for Ohio Schools Program and adds two member to that corporation's board of directors.
- Removes a requirement that the State Board adopt a measure, to be reported separately from the district's or school's report card, for the amount of extracurricular services offered to students.
- Eliminates the Department of Education's responsibilities for approval of online lessons and blizzard bags to make up school hours in the case of a calamity day.

#### **V. Other education provisions**

**Sheriff services at private schools and higher education institutions**

- Permits the sheriff to enter into contracts with a chartered nonpublic school to provide community preventive education programs.
- Permits the sheriff to enter into contracts with a private institution of higher education to provide police services.

#### **Workforce grants**

- Revises the Workforce Grant Program to require institutions of higher education, rather than the Chancellor of Higher Education, to award grants to eligible students.

### **VI. Tax provisions**

#### **Arena property tax exemption**

- Authorizes a property tax exemption for an arena that is owned by the Convention Facilities Authority of Franklin County and that is leased to a private enterprise. Ballot error correction
- Validates a property tax levy that was approved by a ballot measure that stated an erroneous term regarding duration.

### **VII. Insurance pools**

#### **State university or college joint self-insurance pools**

- Permits a state university or college to participate in a joint self-insurance pool to provide personal liability coverage to protect the institution and its employees against loss incurred while undertaking official duties.
- Authorizes the joint self-insurance pool to also provide certain types of property or casualty coverage to cover other risks of pool members.
- Permits the board of trustees of the university or college to contract with a pool administrator to administer the joint self-insurance pool.
- Exempts a joint self-insurance pool from the application of Ohio's Insurance Laws and its records from Ohio's Public Records Law.
- Permits a joint self-insurance pool to issue obligations and notes to pay claims expenses.

#### **Requires the pool administrator to prepare and maintain a public report on pool funds.**

- Limits the liability of a state university or college to the amounts payable pursuant to its written agreement with the pool.
- Establishes civil immunities and defenses under the Court of Claims Law with respect to individuals involved in administering a joint self-insurance pool.

- Specifies that an employee of a state university or college who becomes a member of the governing body of a joint self-insurance pool does not violate certain state employee ethics laws.

#### **Political subdivision joint self-insurance pools**

- Modifies the reporting requirements for joint self-insurance health and liability programs administered by political subdivisions.

#### **Additional Information**

- **AM4052 (Omnibus)** – accepted unanimously on 12/5. Provisions are reflected above.
  - **AM1000x1** – This amendment would expand the proposal process the STEM Committee reviews of a school's qualifications as a STEM school to kindergarten through 12th grade (K-12). Current law is applied to grades six through twelve.
  - **AM1520** – Students who are the children of full-time staff members employed by the school may be given preference of admission into a community school, provided the total number of students receiving this preference is less than five percent of the school's total enrollment.
  - **AM1529** – This is a conforming change to date in ORC 3313.603 (J) (2) from HB 64 that pushes back the updated plan for awarding credit based on subject area competency implementation into schools for the 2017-2018 school year, rather than the 2016-2017 school year.
  - **AM1536x1** – This amendment would allow the County Auditor to fix any sort of error in taxable valuations from TY2012, 2013, and 2014 on the abstracts of real property and real public utility property for an amount of more than \$30 million shall be certified (within sixty days of the bill's enactment). Department of Taxation shall certify the valuations to ODE (within third days). There are two school districts who are presently known and will effect – Granville City Schools and Clear Fork Local School District.
  - **AM1542** – Career-Technical Education (CTE) students shall not be required to take Algebra II, and instead may complete a career-based pathway mathematics course approved by ODE as an alternative.
  - **AM1545x1** – Students enrolled in an Advanced Placement (AP) course who receive a score of 2 on an AP exam is considered a "proficient" score; students enrolled in an International Baccalaureate (IB) course who receive a score of 2 or 3 on an IB exam is considered a "proficient" score for purposes of graduation requirements for end-of-course exams.
  - **AM1548** – Requires school districts and private schools to provide information about advanced standing programs, where students can earn college credit while enrolled in high school, offered by the district or



school to all students enrolled in grades six through eleven (rather than grades eight through eleven as a under current law).

- **AM1594x1** – This amendment permits community school governing authorities, chartered nonpublic schools, and private institutions of higher education to contract for county sheriffs for security services. Currently, sheriffs can contract with a municipal corporation, township, township police district, joint police district, metropolitan housing authority, port authority, water or sewer district, school district, etc... under current law. Has been agreed to by the Senate.

- **AM1633x5** – ODE shall consider an industry-recognized credential or a license issued by a state agency or board of practice in a vocation that requires a licensure exam as an acceptable measure of technical skill attainment and shall not require a student with such credential or license to take additional technical assessments. Additionally, ODE shall not require a student who has participated in or will be participating in a credentialing assessment aligned to the student's career-technical education program or has participated in or will be participating in taking an examination for issuance of a license aligned to the student's career-technical education program to take additional assessments.

However, if the student does not participate in the credentialing assessment or the license examination, the student shall be required to take the applicable technical assessments required by ODE.

The (-5) version added language that ODE shall consult with specific stakeholders when developing the procedures for these credentials and licenses. Also, it clarifies that "technical assessments" does not include the nationally recognized job skills assessment (ACT WorkKeys) to make sure it does not impact a student's graduation.

- **AM1721x2** – Uncodified - For a school district or building where students are eligible for the EdChoice Scholarship, the district or building shall continue to be designated where students are eligible through the 2018-19 SY, regardless of whether or not it meets any of the conditions prescribed in current law. Summary: No school will come on or off the list through the 2018-19 SY.
- **AM1775** – A teacher licensed in special education would be exempt from the requirement of being licensed in a specific grade level (suggestion from ODE). This is a fix to a provision in Sub. S.B. 3 regarding new teachers under the alternative resident educator license prescribed by the bill.
- **AM1790** – Simplifies the section regarding the diploma for a home-school student where each diploma granted shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.

- **AM2193** – Adds two more individuals to represent major business enterprises in Ohio (from 2 to 4) to the serve on the BRIGHT New Leaders for Ohio Program Board of Directors. This will help foster new business partnerships throughout the state in conjunction with K-12 and higher education.
- **AM2734** – Amends the membership of community school governing authorities' statute to expand the current definition of "immediate relatives" to include in-laws (current law) residing in the same household as the person serving on the governing authority. (new addition)  
Also, the amendment clarifies who cannot serve on the governing authority: no present or former member, or immediate relative of a past or former member shall be an officer of the district board or ESC board that serves as the community school's sponsor unless one year has elapsed since that member's expired term; and/or serves as an employee or consultant for those entities who sponsor a community school unless one year has elapsed since that member's expired term.
- **AM2741x1** – This amendment would make it permissive for the Auditor of State, on their initiative, to conduct a performance audit of an ESC. Also, the amendment adds some uncodified language that the State Auditor must conduct a comprehensive operational study of all ESCs; the State Auditor must also submit a report on the operational study to ODE, SBOE, the State Superintendent, Governor, all ESCs, and both chambers leaders (minority and majority); and the SBOE may use that study in their consideration for the formation of future ESC performance standards. (Lines 13-39)
- **AM2793** – Beginning with the 2017-2018 school year, the board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency for the year during which that teacher takes, for the first time, the majority of the performance-based assessment prescribed by the state board of education for resident educators.

For an individual who is teaching career-technical courses under an alternative resident educator license issued in current law or under SBOE rule, Ohio teacher residency program shall include the following components:

Conditions that, as of September 29, 2015, were necessary for a participant in the third and fourth year of the program to complete prior to applying for the professional educator license;

Four years of successful teaching experience under the alternative resident educator license, as verified by the superintendent of the employing school district;

Successful completion of a career-technical workforce development teacher preparation program that consists of not less than twenty-four semester hours, or the equivalent, from a state university. The teacher preparation program shall include a performance-based assessment, to be verified by the institution.

No CTE licensed instructor under the alternative resident educator shall be required to:

- Complete the OTR program as of 9/29/2015; and
  - Take the performance-based assessment.
  - Adds uncodified law stating ODE shall collaborate with the OACTE, OACTS (Superintendents), and OACTS (Schools) to assess if these teachers qualify for a professional educators' license, as an alternative to OTRP.
- **AM2833** – (HB 487) As prescribed, the State Board of Education would be required to establish the State Seal of Biliteracy that would be displayed on a student's transcript or diploma to signify the student's proficiency and ability of one or more languages in addition to English. School districts would not be charged with the cost of the seal. The bill was originally reported out of committee on May 25.
  - **AM2886** – (HB 441) Permits a student enrolled in a nonpublic school to participate in interscholastic activities at the school district in which the student's nonpublic school is located, so long as certain criteria are met. Prohibits a student who participates in the College Credit Plus (CCP) program from being denied the opportunity to participate in interscholastic athletics offered by the student's school, solely due to the student's participation in the program.
  - **AM2908x1** – Real and personal property comprising a convention center or arena owned by a convention facilities authority in a county having a population greater than one million according to the most recent federal decennial census is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the convention facilities authority.
  - **AM2944** – Makes changes to the make-up of JVSD Boards:
    - 1. Removes term limits of the board (two consecutive years)
    - 2. Appointment of the members shall be by the member district boards of education. Members may either be a current or elected board member of a school district board or a person who has experience or knowledge regarding the labor needs of state and region
    - 3. Removes the “more than 30 members” language placed by HB 113.
  - **AM2982x1** – This amendment corrects the issue of all students required to take the ACT/SAT in 2017. This places parameters around it through

four exemptions: (1) a student who has presented evidence that he/she qualified for a high school diploma prior to the test; (2) a student with significant cognitive disabilities to whom an alternative assessment is administered; (3) a student with an intellectual disability; and (4) any English learners who have been enrolled in a school in the U.S. for less than two years and have no accommodations for the student through ODE.

- **AM3046x1** – Changes from the 2015-2016 school year to the 2017-2018 school year that date bill's provisions regarding the following begin to apply:
  - (1) Cumulative assessment time limits (R.C. 3301.0728(A)(1).); and
  - (2) Practice and diagnostic assessment time limits (R.C. 3301.0728(A)(2)).

Changes from the 2015-2016 to the 2017-2018 school year the date of the bill's elimination of the requirement for public schools to administer the following diagnostic assessments:

- (1) To students in the first grade, writing and math;
- (2) To students in the second grade, writing and math;

Changes Assembly from December 15, 2015 to December 15, 2017, the date by which the School Facilities Commission must develop and submit a legislative proposal assisting school districts to receive funding under the Classroom Facilities Assistance program to the General. (Section 5.)

Removes the bill's modifications of the alternative teacher evaluation framework (identical to changes enacted in HB 64/131st General Assembly). (R.C. 3319.114.)

Removes the bill's modifications of the Principal and Assistant Principal evaluations under OPES through OTES due to ODE working on a fix in the ESSA update for next year.

Removes the bill's modifications to the third grade ELA assessments.

- **AM3145** –The amendment is technical and makes an operational change to how the Ohio Department of Higher Education will administer funds for the Workforce Grant Program created in H.B. 1 (Schuring). According to ODHE, this is a needed fix to start the program.
- **AM3170x1** – HB 416 - Permits a state university or college to participate in a joint self-insurance pool to provide personal liability coverage to protect the institution and its employees against loss incurred while undertaking official duties. Bill was passed out of committee unanimously with no opponents.

**(Amended in Committee – See AM4186)**

- **AM3191x1** – A school district that meets the requirements under S.B. 3 shall be qualified for the exemptions for three years, beginning with the school year in which the qualifying report card is issued.
- **AM3198** –The amendment ensures that an approved ballot levy cannot be approved for longer than it is statutorily allowed to be.

- **Amendments accepted outside the Omnibus**

- **AM3252**– Any chartered nonpublic school may elect to administer the Kindergarten Readiness Assessment (KRA) to all kindergarten students enrolled. If so, the head of the school shall contact ODE no later than March 31st of the prior school year. ODE shall furnish the test at no cost to the school. In administering the assessment, the school shall:
  - (1) enter into a written agreement with ODE specifying the school will share each participating student's assessment data with ODE and assigned a SSID number;
  - (2) require the assessment to be administered by a teacher who has completed training on giving out the KRA or has been trained by another person also certified; and
  - (3) administer the test the same as all other school districts required to do.
- **AM4059x2**–
  - Under the amendment, the non-licensed teacher would “register” with the department. All this requires is submission of the background check that SB3 requires of them and that they register “in a manner prescribed by the department.”
  - This will allow ODE to login information for CORE, their records keeping system, without creating a license or permit. It will mirror what every other teacher in the state uses to communicate with the department.
  - Most importantly, it also meets the current law requirements for ODE to submit them to Rapback. Currently, ORC 109.5721(B) requires that those in Rapback be employed with, licensed by, or approved by ODE. The definition of “licensed by” [109.5721(A)(2)] includes “the authorization, evidenced by a...registration.” This change to include the word registration allows ODE to enter these individuals into Rapback without creating a permit (FYI, Rapback continuously monitors the records of every licensed teacher in Ohio. For reference, the Office of Professional Conduct receives between 3-5 hits per day from Rapback on licensed teachers. This system is important for ensuring that all teachers hired under this provision of SB3 are maintaining a safe environment for students.)

- ODE must also promptly notify the employing district of a Rapback hit and the amendment adds that the department may take any action authorized under ORC 3319.31 and 3319.311. These are the sections that allow the department's Office of Professional Conduct to investigate Rapback hits.
  - Many of the Rapback hits ODE receives are for "nonbarrable offenses," things like theft and drug abuse. This change allows the department to investigate these charges and notify the employing district.
  - Also under the amendment, ODE would be allowed to investigate claims of negligence or immoral acts (mistreatment of students, unprofessional relationship with a student, etc...) and ensure that a teacher guilty of these violations would not be able to be hired by another district.
  - Lastly, districts would not be allowed to hire these unlicensed teachers that have committed "barrable offenses" such as violent felonies and sex crimes.
- **AM4172 (Koehler)** – Removed AM1528 from the Omnibus. That amendment dealt with removing from current law that Kindergarten Reading Guarantee diagnostic assessments may be administered electronically using live, two-way video and audio connections, whereby the teacher administering the assessment may be in a separate location from the student.
  - **AM4186**– Amended AM3170x1 in the Omnibus to include a technical change from the Auditor of State's office – to remove the requirement of a certified audited financial statement to be filed with the AOS office and state that an insurance pool administrator shall provide a copy of the report prescribed under the Omnibus amendment (report of aggregate amounts so reserved and aggregate disbursements made from the funds of the joint self-insurance pool).
  - **AM4202**– This amendment would no longer have school districts report their blizzard bag policy to ODE, and only have to (permissive) adopt a resolution from the local school board if approved.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); [nick.derksen@ohiohouse.gov](mailto:nick.derksen@ohiohouse.gov)

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**H.B. 520 (SCHURING/RAMOS)**  
State public retirement systems – revise law governing

**Bill History**

- 11/10/16 – House Health & Aging Committee (5 Hearings), (14-1, Butler)
- 11/17/16 – House Floor Vote (83-7)
- 12/7/16 – Senate State & Local Govt (2 hearings)(11-0)
- 12/8/16 – Senate Floor Vote (31-0)
- 12/8/16 – House Concurrence Vote Scheduled

**Stakeholders**

Proponent	Opponent	Interested Party
<ul style="list-style-type: none"><li>• Mark Atkeson – Ohio Highway Patrol Retirement System</li><li>• Karen Carraher – OPERS</li><li>• John Gallagher – Ohio Police &amp; Fire Pension Fund</li><li>• Lisa Morris – SERS</li></ul>	<ul style="list-style-type: none"><li>• Prof. Smita Mathur – Faculty Association of ARP Participants</li><li>• Prof. Nicholas Basta</li><li>• Prof. Brent Sohngen</li></ul>	<ul style="list-style-type: none"><li>• Joan Herbers</li><li>• Michael Nehf – STRS</li></ul>

**Key Provisions – As Introduced (House omnibus amendment 2755-1 description to follow)**

**Changes affecting multiple systems**

- Establishes a formula for calculating the percentage of an alternative retirement program (ARP) participant's compensation that must be paid by a public institution of higher education to the Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), or School Employees Retirement System (SERS) to mitigate any financial impact of the ARP on the retirement system and specifies that the percentage is 1/4 of the percentage calculated, not exceeding 4%.
- Provides survivor benefits until age 22 to the qualified child of a PERS, STRS, or Ohio Police and Fire Pension Fund (OP&F) member who dies before retirement regardless of whether the child is attending an institution of learning or training.
- Provides death benefits from the Ohio Public Safety Officers Death Benefit Fund until age 22 to the surviving child of a public safety officer regardless of whether the child is attending an institution of learning or training.
- Eliminates provisions under which a PERS, STRS, or SERS member who earns service credit in more than one system during the same time period receives partial credit from each system in which credit is earned.
- Requires that any legal action commenced against OP&F or STRS be filed in Franklin County.

**Public Employees Retirement System**

- Requires a PERS disability benefit recipient to undergo a periodic, rather than annual, medical examination.

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- Suspends or terminates the PERS disability benefit of a recipient who fails, rather than refuses, to file required information with the PERS Board.
- Reduces to two months (from three) the time a PERS member or re-employed retiree must wait to receive a refund of the member or retiree's PERS contributions.
- Specifies that the last established beneficiary of a deceased PERS member who was also a member of STRS or SERS is the sole beneficiary in all the systems if a survivor benefit may be paid under provisions coordinating PERS, STRS, and SERS benefits.
- Requires for transfer to PERS or purchase of Cincinnati Retirement System (CRS) credit in PERS that a PERS member have more PERS service credit than the amount of CRS credit to be transferred or purchased.
- Requires for transfer of PERS credit to CRS that a CRS member have more CRS service credit than the amount of PERS credit to be transferred.

#### **Ohio Police and Fire Pension Fund**

- Establishes as conditions for return of contributions of an OP&F member who terminates active service that two months have elapsed and the member has not returned to active service during the two-month period.
- Requires a deceased member's accumulated contributions that are not claimed within seven years to be transferred to the Guarantee Fund and paid to the member's survivor or the member's or survivor's estate on application to the OP&F Board.
- Specifies that money due or to become due to an individual from OP&F is not subject to the operation of bankruptcy or insolvency laws but is subject to an order for division of marital property.
- Requires an application submitted to OP&F to be in the form and manner specified by the Fund.

#### **State Teachers Retirement System**

- Excludes from "compensation" for purposes of STRS contributions and benefits any portion of the amount paid to a teacher as a retroactive payment of earnings, damages, or back pay under a court order or settlement agreement that is excluded from compensation under continuing law.
- Revises when the STRS Board terminates payment of a disability benefit.
- Eliminates the dollar amount multiplier that may be used to calculate the pension portion of an STRS disability retirement benefit.
- Allows an STRS member to receive credit for the period as a recipient of an STRS disability benefit if the member has become a contributor to the STRS defined contribution plan and earns at least two additional years of service credit.
- Makes a recipient of an STRS allowance or benefit beginning on or after August 1, 2013, that was immediately preceded by a disability benefit that was terminated on or after that date, eligible for a cost-of-living adjustment on the date that would have been the disability benefit's next anniversary date.
- Excludes from use in determining eligibility for STRS retirement, disability, or survivor benefits, certain military service credit transferred to STRS from OP&F, State Highway Patrol Retirement System (SHPRS), or CRS.
- Requires that only employee contributions, rather than both employee and employer contributions, be used to calculate an additional annuity paid when certain earnings for which contributions were made are excluded from an STRS member's final average salary, which is used to determine retirement eligibility and benefits.



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- Authorizes the STRS Board to establish a plan for retirants re-employed as teachers under which the retirant's STRS contributions are invested at the retirant's direction in accordance with investment options established by the Board and, if the Board establishes a plan, requires STRS to transfer each retirant's contributions to it.
- Requires STRS to withhold or recover from the recipient of an STRS retirement or disability benefit who is employed in a position subject to CRS any amount that is to be forfeited under CRS requirements.
- Eliminates provisions under which an STRS member may purchase credit for school board service only if the member is or will be eligible to retire and retires within 90 days after purchasing the credit.
- Requires certain STRS members who purchase service credit for an absence or leave due to illness, injury, or professional reasons to purchase the credit by paying STRS instead of the member's employer.
- Includes in the benefit used to calculate future cost-of-living adjustments paid a survivor of a deceased STRS member who was receiving a disability benefit any increases the member received while receiving the disability benefit.
- Eliminates the minimum survivor benefit dollar amount for qualified STRS survivors whose benefits are based on the number of qualified survivors.
- Clarifies that any return of contributions or unpaid disability benefits payable to a deceased STRS member's beneficiaries are to be paid to the beneficiaries designated by the member.

#### **School Employees Retirement System**

- Causes certain future community (charter) school nonteaching employees to be excluded from SERS.
- Establishes conditions for an SERS member to elect a purchase or transfer of service credit from OP&F or SHPRS to SERS and between SERS and CRS.

#### **State Highway Patrol Retirement System**

- Requires an SHPRS member to have at least five years of service credit to be eligible for off-duty disability retirement.
- Requires a disability pension to be terminated if an SHPRS disability retirant is reemployed as a law enforcement officer.
- Provides for designation of beneficiaries by SHPRS members and retirants.
- Specifies that a surviving spouse of a deceased SHPRS member or retirant is eligible for a monthly pension based on the member's or retirant's age and service only if the member or retirant had at least 20 years of service credit.
- Clarifies that only SHPRS members who are eligible for retirement with an unreduced pension may elect to participate in the system's deferred retirement option plan (DROP).
- Changes the effective date of a member's election to participate in DROP to the first day of the first payroll period immediately following the SHPRS Board's receipt of the election (instead of the date the member files the election).
- Permits SHPRS retirants to authorize dues checkoffs on behalf of certain organizations composed of retired State Highway Patrol employees.
- Removes the requirement that actions of the SHPRS Board be approved by a majority of the Board's members.

#### **Additional Information – Omnibus amendment 2755-1 (accepted without objection)**

LSC Addendum to Fiscal Note for H.B. 520

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#### Fiscal Effect of AM2755-1

In House Health and Aging November 10, 2016

**Description:** The amendment makes several changes to law governing the state's public retirement systems – the Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and State Highway Patrol Retirement System (SHPRS). Most of the changes have no significant fiscal effect on the state or its political subdivisions. The changes described below have a fiscal effect, or the potential for an indirect future fiscal effect, on the state or its political subdivisions. Those changes are followed by brief descriptions of the other changes made by the amendment.

#### Changes affecting PERS

The amendment allows an eligible PERS member who is a Bureau of Criminal Identification and Investigation investigator, gaming agent for the Casino Control Commission, Department of Taxation investigator, special police officer for a port authority, or special police officer for a municipal airport on the effective date of this amendment to be included in the PERS law enforcement (LE) or PERS public safety (PS) divisions. The amendment requires such eligible members to make such election by giving notice to PERS on a form provided by the PERS Board. The notice must be received by PERS not later than 90 days after the effective date of the bill and the election is irrevocable. The amendment specifies that service credit earned by a PERS member before the first day of the first month following the receipt of the notice of election would not be considered service credit as a PERS law enforcement officer or PERS public safety officer. The amendment also makes changes related to transfer of service credit between PERS and OP&F.

#### Mitigating rate for an alternative retirement program

The amendment modifies mitigating rate calculations associated with an alternative retirement program (ARP) in PERS, STRS, and SERS and increases the maximum percentage of an ARP participant's compensation that must be contributed by a public institution of higher education to mitigate any financial impact of the ARP on the systems to 4.5% from 4% in the As Introduced version of the bill.

#### Changes affecting STRS

The amendment specifies that an STRS disability benefit recipient who fails, rather than refuses, to submit to a medical examination or to file the required statement or information under existing law will have his or her disability benefit suspended until the examination has occurred or the statement and information are filed. If the failure, instead of the refusal, continues for one year, or if the disability benefit is terminated for any reason during the one-year period, all of the recipient's rights under and to the disability benefit will be terminated as of the effective date of the original suspension. The amendment specifies that an STRS member would receive service credit for the period the member is a recipient of an STRS disability benefit if the member has become a contributor to STRS, to SERS, or the PERS defined benefit plan, and completes at least two additional years of service credit. The amendment also modifies the circumstances for a suspension and resumption of STRS benefits.

#### Changes affecting SERS

The amendment requires SERS members who receive disability benefits on or after January 7, 2013 and before the effective date of the bill and who are enrolled in SERS health care coverage to apply for disability benefits through Social Security's disability insurance (SSDI) program if such members meet certain eligibility requirements for the program. The amendment also specifies that SERS members who receive disability benefits on or after the effective date of this amendment and are enrolled in SERS health care coverage must apply for both the disability and hospital insurance

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benefits through the SSDI program. The amendment specifies certain deadlines for applying for the federal benefits.

**Changes with no significant fiscal effect**

The amendment:

1. Requires an SERS member who is married at the time of application for payment and is eligible for refund of contributions related to a restitution order based on theft in office or certain sex offenses to obtain spousal consent;
2. Removes provisions related to purchase or transfer of credit from the OP&F or SHPRS and SERS;
3. Removes obsolete provisions related to interest rates in the law governing SERS;
4. Specifies that an application or election made under the law governing OP&F must be submitted in the form and manner specified by OP&F; OP&F would determine whether the application or election is complete and properly submitted;
5. Specifies that a member participating in the deferred retirement option plan (DROP) under SHPRS is eligible to vote in elections for the employee members of the SHPRS Board, but not eligible to vote in elections for the retirant members of the Board.

**SENATE CHANGES**

**Committee:**

Extends to December 31, 2017 (from December 31, 2016), the date by which the Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), and School Employees Retirement System (SERS) Boards must each complete and submit to the Department of Higher Education an initial actuarial study to determine the mitigating rate for alternative retirement programs based on the bill's formula.

Clarifies the amount of employer contributions that must be paid to the Ohio Police and Fire Pension Fund (OP&F) to purchase credit in OP&F for service under PERS, STRS, or SERS or have credit for that service transferred to OP&F during the 90-day period beginning on the bill's effective date.

**Floor:**

**1 LSC Technical Amendment:** Fixes the Senate committee date change back to December 31, 2016.

- **Policy Advisor:** Lisa Griffin, 937-554-6372, [lisa.griffin@ohiohouse.gov](mailto:lisa.griffin@ohiohouse.gov)

## Caucus Agenda

Thursday December 8, 2016

- I. Concurrence Votes
  - a. House Bill 172-- CRIMINAL RECORDS LAW (Scott Lundregan)
  - b. House Bill 554 -- Renewable Energy (Amstutz)
  - c. House Bill 444 -- LIQUOR PERMIT HOLDERS-SAMPLES (Blessing III, L)
  - d. House Bill 451 -- LIFE SUPPORT-RELATIVE (Boose, T)
  - e. House Bill 520- PUBLIC RETIREMENT SYSTEMS (Schuring)
  
- II. Bills For Third Consideration
  - a. SB 3 Brenner
  - b. SB 329 Blessing
  - c. SB 76 Butler
  
- III. Bills Awaiting Passage in the Senate
  - a. House Bill 471-- BOARDS DISSOLUTION (Amstutz)
  - b. House Bill 580 -- MONTH-DAY DESIGNATION (Huffman)

**From:** Best, Carolyn  
**Sent:** Friday, December 9, 2016 10:35 AM  
**CC:** Derksen, Nick  
**Subject:** Come Meet the New Fellows!  
**Attachments:** 2017 Bios.pdf

Good Morning, Everyone!

We would like to invite you all to come meet the new LSC Fellows assigned to our caucus as they arrive this morning immediately following their House Majority Caucus placement.

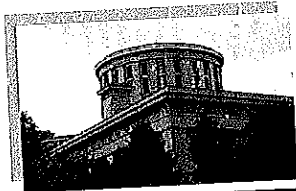
Here are the individuals who will be joining us (*bios attached*):

**Margaret Basie**  
**Nick Coyle**  
**James Coyne**  
**Rachel Herrmann**  
**Andy Shaffer**  
**Ellen Turk**

Please come give them a warm welcome at **11:30** today on the **14<sup>th</sup> Floor in the Policy Wing**. We will have donuts and coffee for anyone who needs a little extra sugar and caffeine this morning . ☺

Hope to see you all there!

**Carolyn Best**  
*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635



## 2017 LSC FELLOW BIOGRAPHIES

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### **Margaret Basie** B.A. Political Science John Carroll University

Margaret recently graduated from John Carroll University with a degree in political science. She has lived in Northeast Ohio her whole life, where she had the opportunity to volunteer on local campaigns and intern at the Mentor Municipal Courthouse. One interesting fact about Margaret is that she is a first degree black belt in the Kajukenpo style of martial arts and has practiced for over seven years. Before starting the fellowship, she worked as a Field Organizer and campaigned in Lake County. In her free time, Margaret enjoys volunteer work and reading.

### **Cayla Burton** B.A. International Affairs University of Cincinnati

Cayla recently graduated from the University of Cincinnati where she studied international affairs and majored in communication. Born and raised in Cincinnati, Ohio, Cayla believes that a career in public service is her calling. She has studied abroad in Guatemala, Belgium, and Mexico. These experiences sparked her interest to serve even more. In her free time, Cayla enjoys reading and writing poetry.

### **Andrea Costin** B.S. Public Health Master of Public Health Ohio State University

In May, Andrea graduated from Ohio State University for the second time, receiving a graduate degree in public health. Her interest in the Ohio General Assembly dates back to her time in high school. Andrea often served as a moderator for her school's Junior Statesman of America chapter. She fueled her interest by interning in the Ohio House of Representatives in 2015. Along with experience in the legislative branch, Andrea has interned with the Ohio Environmental Protection Agency in the division of air pollution control. She is a Master Gardener, and she recently was a researcher on Ohio Agricultural Injuries at OSU's College of Food, Agricultural, and Environmental Sciences. In her free time, Andrea enjoys gardening, reading, and knitting.

## **Nick Coyle**

**B.S. Adolescent to Young Adult Education  
Ohio University**

Nick was born and raised in Chillicothe, Ohio. He recently graduated from Ohio University, where he studied adolescent to young adult education with a social studies concentration. During Nick's final semester at OU, he completed a year-long-internship at Southeastern High School teaching American History and Government. Nick discovered the joy of public service when he organized the Emancipation Day Celebration in Rendville, Ohio, and the Little Cities of Black Diamonds Day in Shawnee, Ohio. In his free time, Nick likes to read, play guitar, and sing.

## **James Coyne**

**B.A. History & Political Science  
Ashland University**

James recently graduated, with honors, from Ashland University with degrees in history and political science. While at Ashland, he was a participant of the Ashbrook Scholar Program where he wrote a senior thesis titled *Winston Churchill on Self-Government and Empire*. James served as Executive President of Ashland University's Student Senate which taught him the importance of working on issues that have wide ranging effects. He has much experience in campaigning as James has volunteered on campaigns for both the Ohio House and Senate. He served as an intern in the office of Congressman Bob Gibbs and at the Ashbrook Center in Ashland, Ohio. In his free time, James enjoys reading and watching television. His favorite book is *To Kill a Mockingbird*. James calls Queens, New York, home.

## **Alison Cozad**

**B.A. Political Science  
University of Dayton**

Alison is from Bellbrook, Ohio. In December, she will graduate from the University of Dayton, with a degree in political science and a minor in communication and political journalism. Alison is currently completing an honors thesis that looks at state issues 1, 2, and 3 from 2015 to see if media coverage correlates to the issues. She is a member of Theta Phi Alpha sorority and holds the position of Historian and Alumna Secretary. Alison had the opportunity to campaign with New Day for America in New Hampshire and interned with Senator Beagle's office as part of the 2015 cohort of UD's Statehouse Civic Scholar Program. When she has down time, Alison enjoys reading, writing, and spending time with family.

**Chelsea Golterman**  
**B.B.A. Business Management**  
**Kent State University**

Chelsea is originally from Ste. Genevieve, Missouri. She attended Kent State University and graduated in 2015 with a bachelor's degree in business management. Chelsea is a licensed insurance agent in both Ohio and Missouri. While in college, she was a member of the KSU Columbus Program in Intergovernmental Issues, for which she interned at the Ohio Statehouse and learned from two former State Representatives. This program is what sparked Chelsea's interest in public policy and the structure of Ohio government. Upon graduating, she relocated to Canal Winchester, Ohio. She is currently working as the assistant manager of the Worthington Inn, and she spends her free time hanging out with her dog, Rebel, or reading a good book. Before relocating, Chelsea volunteered with the United Way, and she looks forward to getting involved again in Columbus.

**Anna Hays**  
**B.A. English**  
**University of Dayton**

Anna was raised in Westerville, Ohio, and earned her English degree with a political science minor in May from the University of Dayton. She spent a summer interning for Congressman Michael Turner's office in Washington, D.C. This experience influenced Anna's decision to pursue further experience with legislative work. Policy issues that are pertinent to the State of Ohio interest her, specifically education, energy, and crime. Anna spent the summer working for Cristo Rey Columbus High School as a part of the Columbus Foundation Fellowship program and is currently a legal assistant for a private family law firm. Anna is an avid reader and lover of the Muppets and Quentin Tarantino. Her dream is to visit Prague in the very near future.

**Rachel Herrmann**  
**B.A. English Literature**  
**Southeastern University**  
**Juris Doctor**  
**University of Cincinnati College of Law**

Rachel moved to Ohio from Lakeland, Florida, to attend the University of Cincinnati College of Law. She earned her undergraduate degree in English Literature from Southeastern University in Lakeland, Florida, in 2012. During her time in law school, Rachel discovered that she loved the State of Ohio and wanted to make it her permanent home. She also found that she was inspired by people who have dedicated their careers to serving the community. Rachel has volunteered on several campaigns and recently completed her externship with the United States District Court for the Southern District of Ohio. In her free time, she enjoys playing music and going to yoga.



**Darryl Jones, Jr.**  
**B.A. Criminal Justice**  
**Baldwin Wallace University**

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**B.S. Finance  
Miami University  
Juris Doctor  
Capital University Law School**

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## **Katie Summers**

**B.F.A. Cinematic Arts**  
**Columbus College of Art and Design**

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Rob graduated from Denison University in May with a degree in political science. While at Denison, he had the opportunity to study abroad at the University in Oxford. One of his favorite moments of the experience was visiting Oxford's library. Also during his time at Denison, Rob was a member of the men's varsity basketball team. He has volunteered with many service organizations and enjoys giving back.

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**Kent State University**

Ellen recently graduated from Kent State University, earning a degree in public health with a concentration in health services administration. She has experience with the Ohio General Assembly from interning with former Representative Barbara Sears' office. Her interest in public health led to an internship in 2015 with the Ohio Department of Health's Sexual Assault and Domestic Violence Prevention Program. In her free time, Ellen enjoys reading and spending time with friends. She calls Wadsworth, Ohio, home.

## **Brittany Waugman**

**B.A. Broadcast Journalism**  
**Marietta College**

Brittany is a recent broadcast journalism graduate from Marietta College in southeast Ohio. Originally from West Virginia, she fell in love with Ohio after a summer internship in the Statehouse during her sophomore year. As a videographer and producer for city governments, nonprofits, and collegiate news, Brittany developed a passion for public media and social good. When she's not shooting or editing, she likes reading murder mysteries, watching independent films, and exploring downtown eateries.

**From:** Best, Carolyn  
**Sent:** Friday, December 9, 2016 11:27 AM  
**Subject:** FW: Come Meet the New Fellows!  
**Attachments:** 2017 Bios.pdf

\*\*\*\*This has been pushed back to noon. Sorry for the inconvenience!\*\*\*\*

**From:** Best, Carolyn  
**Sent:** Friday, December 09, 2016 10:35 AM  
**Cc:** Derksen, Nick  
**Subject:** Come Meet the New Fellows!

Good Morning, Everyone!

We would like to invite you all to come meet the new LSC Fellows assigned to our caucus as they arrive this morning immediately following their House Majority Caucus placement.

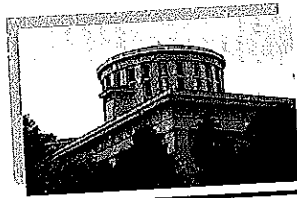
Here are the individuals who will be joining us (*bios attached*):

**Margaret Basie**  
**Nick Coyle**  
**James Coyne**  
**Rachel Herrmann**  
**Andy Shaffer**  
**Ellen Turk**

Please come give them a warm welcome at 11:30 today on the **14<sup>th</sup> Floor in the Policy Wing**. We will have donuts and coffee for anyone who needs a little extra sugar and caffeine this morning. ☺

Hope to see you all there!

**Carolyn Best**  
*Director of Communications*  
Office of Speaker Clifford A. Rosenberger  
Ohio House of Representatives  
77 S. High Street, Columbus, Ohio 43215  
Office Phone: 614.644.1739  
Cell Phone: 740.815.9635



## 2017 LSC FELLOW BIOGRAPHIES

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### **Margaret Basie** B.A. Political Science John Carroll University

Margaret recently graduated from John Carroll University with a degree in political science. She has lived in Northeast Ohio her whole life, where she had the opportunity to volunteer on local campaigns and intern at the Mentor Municipal Courthouse. One interesting fact about Margaret is that she is a first degree black belt in the Kajukenpo style of martial arts and has practiced for over seven years. Before starting the fellowship, she worked as a Field Organizer and campaigned in Lake County. In her free time, Margaret enjoys volunteer work and reading.

### **Cayla Burton** B.A. International Affairs University of Cincinnati

Cayla recently graduated from the University of Cincinnati where she studied international affairs and majored in communication. Born and raised in Cincinnati, Ohio, Cayla believes that a career in public service is her calling. She has studied abroad in Guatemala, Belgium, and Mexico. These experiences sparked her interest to serve even more. In her free time, Cayla enjoys reading and writing poetry.

### **Andrea Costin** B.S. Public Health Master of Public Health Ohio State University

In May, Andrea graduated from Ohio State University for the second time, receiving a graduate degree in public health. Her interest in the Ohio General Assembly dates back to her time in high school. Andrea often served as a moderator for her school's Junior Statesman of America chapter. She fueled her interest by interning in the Ohio House of Representatives in 2015. Along with experience in the legislative branch, Andrea has interned with the Ohio Environmental Protection Agency in the division of air pollution control. She is a Master Gardener, and she recently was a researcher on Ohio Agricultural Injuries at OSU's College of Food, Agricultural, and Environmental Sciences. In her free time, Andrea enjoys gardening, reading, and knitting.

## **Nick Coyle**

**B.S. Adolescent to Young Adult Education  
Ohio University**

Nick was born and raised in Chillicothe, Ohio. He recently graduated from Ohio University, where he studied adolescent to young adult education with a social studies concentration. During Nick's final semester at OU, he completed a year-long-internship at Southeastern High School teaching American History and Government. Nick discovered the joy of public service when he organized the Emancipation Day Celebration in Rendville, Ohio, and the Little Cities of Black Diamonds Day in Shawnee, Ohio. In his free time, Nick likes to read, play guitar, and sing.

## **James Coyne**

**B.A. History & Political Science  
Ashland University**

James recently graduated, with honors, from Ashland University with degrees in history and political science. While at Ashland, he was a participant of the Ashbrook Scholar Program where he wrote a senior thesis titled *Winston Churchill on Self-Government and Empire*. James served as Executive President of Ashland University's Student Senate which taught him the importance of working on issues that have wide ranging effects. He has much experience in campaigning as James has volunteered on campaigns for both the Ohio House and Senate. He served as an intern in the office of Congressman Bob Gibbs and at the Ashbrook Center in Ashland, Ohio. In his free time, James enjoys reading and watching television. His favorite book is *To Kill a Mockingbird*. James calls Queens, New York, home.

## **Alison Cozad**

**B.A. Political Science  
University of Dayton**

Alison is from Bellbrook, Ohio. In December, she will graduate from the University of Dayton, with a degree in political science and a minor in communication and political journalism. Alison is currently completing an honors thesis that looks at state issues 1, 2, and 3 from 2015 to see if media coverage correlates to the issues. She is a member of Theta Phi Alpha sorority and holds the position of Historian and Alumna Secretary. Alison had the opportunity to campaign with New Day for America in New Hampshire and interned with Senator Beagle's office as part of the 2015 cohort of UD's Statehouse Civic Scholar Program. When she has down time, Alison enjoys reading, writing, and spending time with family.

**Chelsea Golterman**  
**B.B.A. Business Management**  
**Kent State University**

Chelsea is originally from Ste. Genevieve, Missouri. She attended Kent State University and graduated in 2015 with a bachelor's degree in business management. Chelsea is a licensed insurance agent in both Ohio and Missouri. While in college, she was a member of the KSU Columbus Program in Intergovernmental Issues, for which she interned at the Ohio Statehouse and learned from two former State Representatives. This program is what sparked Chelsea's interest in public policy and the structure of Ohio government. Upon graduating, she relocated to Canal Winchester, Ohio. She is currently working as the assistant manager of the Worthington Inn, and she spends her free time hanging out with her dog, Rebel, or reading a good book. Before relocating, Chelsea volunteered with the United Way, and she looks forward to getting involved again in Columbus.

**Anna Hays**  
**B.A. English**  
**University of Dayton**

Anna was raised in Westerville, Ohio, and earned her English degree with a political science minor in May from the University of Dayton. She spent a summer interning for Congressman Michael Turner's office in Washington, D.C. This experience influenced Anna's decision to pursue further experience with legislative work. Policy issues that are pertinent to the State of Ohio interest her, specifically education, energy, and crime. Anna spent the summer working for Cristo Rey Columbus High School as a part of the Columbus Foundation Fellowship program and is currently a legal assistant for a private family law firm. Anna is an avid reader and lover of the Muppets and Quentin Tarantino. Her dream is to visit Prague in the very near future.

**Rachel Herrmann**  
**B.A. English Literature**  
**Southeastern University**  
**Juris Doctor**  
**University of Cincinnati College of Law**

Rachel moved to Ohio from Lakeland, Florida, to attend the University of Cincinnati College of Law. She earned her undergraduate degree in English Literature from Southeastern University in Lakeland, Florida, in 2012. During her time in law school, Rachel discovered that she loved the State of Ohio and wanted to make it her permanent home. She also found that she was inspired by people who have dedicated their careers to serving the community. Rachel has volunteered on several campaigns and recently completed her externship with the United States District Court for the Southern District of Ohio. In her free time, she enjoys playing music and going to yoga.



**Darryl Jones, Jr.**  
**B.A. Criminal Justice**  
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**From:** Policy Matters Ohio  
**Sent:** Wednesday, December 14, 2016 11:54 AM  
**To:** Sarko, Alyssa  
**Subject:** An open letter to Governor Kasich: fund transit now!

# Policy Matters Ohio



## Dear Governor Kasich: fund transit now!

*[A slew of Ohio organizations jointly sent a statement to Governor Kasich on Wednesday, December 14, requesting that the governor address Ohio's staggering underfunding of mass transit. This blog excerpts most of what they requested with some minor edits for clarity.]*

Dear Governor Kasich:

As you know, according to the 2015 Ohio Department of Transportation (ODOT) Transit Needs study, the state of Ohio needs \$192.4 million in capital and \$96.7 million in operating funds just to meet existing demand for public transportation services. An additional \$273.5 million in one-time funding is needed to address system backlog and bring Ohio's transit fleet to a state of good repair.

Ohio's under-investment in public transit, over the past several decades, has left our public transit system lacking. Lack of widespread public transportation limits low-income workers' ability to get to jobs, stunting their ability to support themselves and their families. It also leaves too many people with disabilities as well as those who are aging essentially homebound, making it difficult for them to access the grocery store, the doctor's office, and to meet their other needs with dignity.

Ohio currently allocates little more than 1 percent of its entire transportation budget towards public transit; unfortunately, that meager investment ranks Ohio 47th out of all other states for its commitment to public transportation.

**We, Ohioans for Transportation Equity, recommend Ohio invest at least 10 percent of its transportation budget in public transit as well as safe bicycling and pedestrian infrastructure and education, and stand ready to work with you to act upon ODOT's Transit Needs Study findings.**

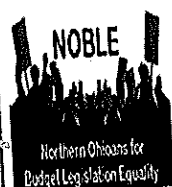
Ohio needs a 21st century transportation system made up not only of roads and highways but also a complete network of affordable, accessible and environmentally-friendly transportation options, including public transit, passenger and freight rail, streetcars, hybrid buses, electric vehicles and walkable, bikeable streets.

For low-income Ohioans, the cost of driving is often prohibitively expensive, and for the elderly and those with disabilities, driving may not be an option at all. Indeed, data indicates that 8.4 percent of Ohio households have no access to an automobile. Transportation also accounts for roughly 25 percent of all emissions in Ohio and half of the \$51.4 billion we spend on energy each year in Ohio (nearly all of which is imported from out of state).

Going forward, the state of Ohio should invest in more public transportation options to reduce our vulnerability to oil price spikes, create a more economically sustainable and accessible transportation system, give firms and workers low-cost and accessible commuting options, and reduce health-threatening emissions. Investments in accessible public transit options will also spur economic development, increase employment opportunities, reduce urban sprawl and congestion, and create more livable communities for all Ohioans.

A greater investment in public transportation would yield significant positive outcomes not only for many Ohioans but also to help sustain the state's economic recovery. According to the American Public Transit Association, every \$1 invested in public transit generates \$6 in economic returns, and investments in public transportation projects create nearly 20 percent more jobs than equal investments in new roads and highways.

Respectfully,



**Alphabetical list of signers:**

Ability Center of Greater Toledo  
Access Center for Independent Living  
Advocates for Ohio's Future  
All Aboard Ohio  
Amalgamated Transit Union Local 268 (Cleveland)  
Amalgamated Transit Union Local 627 (Cincinnati)  
Amalgamated Transit Union Local 697 (Greater Toledo)  
Amalgamated Transit Union Ohio Legislative Conference Board  
American Council of the Blind of Ohio  
Americans for Transit  
Area Agency on Aging 3 (7 county region in NW Ohio)  
Bike Cleveland  
Catholic Social Services  
The Center for Disability Empowerment  
Center for Independent Living Options  
The City of Lorain  
Clevelanders for Public Transit  
Disability Rights of Ohio  
Greater Cleveland Regional Transit Authority  
Greater Dayton RTA  
Innovation Ohio  
Joy Machines Bike Shop  
Kirwan Institute  
Mid-Ohio Board of Independent Living Environments (MOBILE)  
MOVE Lorain County  
Motorcars Mobility  
National Church Residences - Center for Senior Health  
Northern Ohioans for Budget Legislation Equality (NOBLE)  
Nuns on the Bus Ohio  
Ohio Association of Area Agencies on Aging (o4a)  
Ohio Bicycle Federation  
Ohio Developmental Disabilities Council



Ohio Environmental Council  
Ohio Olmstead Task Force  
Ohio Statewide Independent Living Council  
Policy Matters Ohio  
Senior Transportation Connection  
Services for Independent Living, Inc.  
SEIU, Local 1  
Sierra Club, Ohio Chapter  
Southeastern Ohio Center for Independent Living (SOCIL)  
Transit Columbus  
UH Bikes  
The University of Cincinnati, University Center for Excellence in Developmental Disabilities  
Western Reserve Area Agency on Aging  
Western Reserve Independent Living Center  
Women Empowered, Educated, Employed (WE3 Collaborative)

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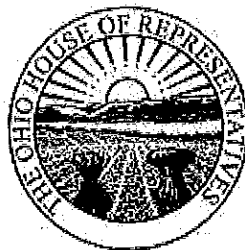


Try it free today

**From:** Thawley, Roanna  
**Sent:** Monday, January 30, 2017 9:33 AM  
**To:** Thawley, Roanna  
**Subject:** REMINDER Co-Sponsor Request: Public Sector Right-to-Work

**\*\*REMINDER: Deadline to co-sponsor is TODAY at 5 PM.\*\***

# Ohio House of Representatives



Representative John Becker  
Ohio's 65<sup>th</sup> House District

## MEMORANDUM

**To: GOP House Members**

**From:** Representative John Becker  
**Date:** January 30, 2017  
**RE:** Co-Sponsor Request: Public Sector Right-to-Work

I will soon be reintroducing a public sector right-to-work bill. This bill was previously introduced in the 131<sup>st</sup> General Assembly as HB 583.

There is a national trend of states moving to implement right-to-work laws. With Kentucky being the 27<sup>th</sup> state to continue that trend, it's time Ohio steps up to the plate. All of Ohio's neighboring states, with the exception of Pennsylvania, have right-to-work laws on the books.

This legislation:

- Provides public sector workers the choice to opt out of union representation and dues.
- Allows non-union employees to voluntarily make financial contributions to a union.
- Protects unions from the requirement of representing non-union employees.
- Appropriates \$30,000 in fiscal year 17 for pamphlets and brochures.

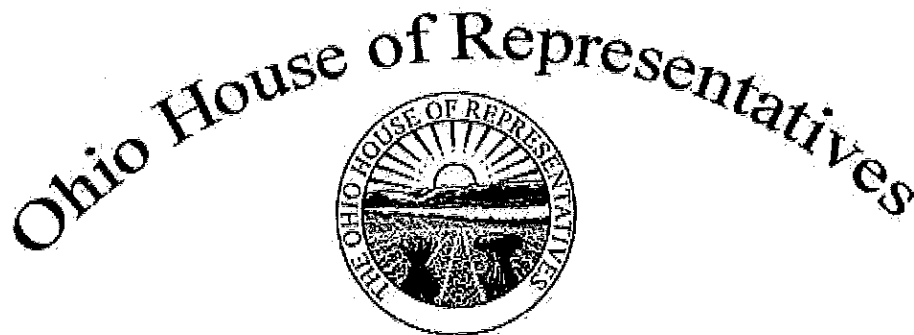
If you would like to co-sponsor this legislation or have any questions, please contact Roanna Thawley at (614) 466-8134 or [Roanna.Thawley@ohiohouse.gov](mailto:Roanna.Thawley@ohiohouse.gov). The deadline to co-sponsor is COB, **Monday, January 30, 2017**. Thank you for your consideration.

*Roanna Thawley*

Legislative Aide  
State Representative John Becker | Ohio House District 65  
77 S. High Street, 12<sup>th</sup> Floor | Columbus, OH 43215  
(614) 466-8134  
[roanna.thawley@ohiohouse.gov](mailto:roanna.thawley@ohiohouse.gov)

**From:** Thawley, Roanna  
**Sent:** Thursday, February 2, 2017 11:08 AM  
**To:** Thawley, Roanna  
**Subject:** DEADLINE EXTENDED Co-Sponsor Request: Public Sector Right-to-Work

**\*\*Deadline extended to Monday, February 6, 2017 @ 5 PM.\*\***



Representative John Becker  
Ohio's 65<sup>th</sup> House District

**MEMORANDUM**

**To:** GOP House Members  
**From:** Representative John Becker  
**Date:** February 2, 2017  
**RE:** Co-Sponsor Request: Public Sector Right-to-Work

I will soon be reintroducing a public sector right-to-work bill. This bill was previously introduced in the 131<sup>st</sup> General Assembly as HB 583.

There is a national trend of states moving to implement right-to-work laws. With Kentucky being the 27<sup>th</sup> state to continue that trend, it's time Ohio steps up to the plate. All of Ohio's neighboring states, with the exception of Pennsylvania, have right-to-work laws on the books.

This legislation:

- Provides public sector workers the choice to opt out of union representation and dues.
- Allows non-union employees to voluntarily make financial contributions to a union.
- Protects unions from the requirement of representing non-union employees.
- Appropriates \$30,000 in fiscal year 17 for pamphlets and brochures.

If you would like to co-sponsor this legislation or have any questions, please contact Roanna Thawley at (614) 466-8134 or [Roanna.Thawley@ohiohouse.gov](mailto:Roanna.Thawley@ohiohouse.gov). The deadline to co-sponsor is COB, **Monday, February 6, 2017**. Thank you for your consideration.

*Roanna Thawley*

Legislative Aide

State Representative John Becker | Ohio House District 65

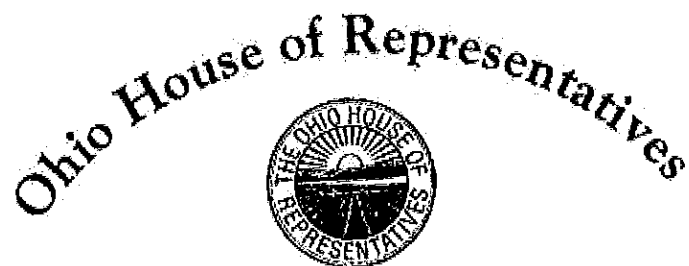
77 S. High Street, 12<sup>th</sup> Floor | Columbus, OH 43215

(614) 466-8134

[roanna.thawley@ohiohouse.gov](mailto:roanna.thawley@ohiohouse.gov)

**From:** Hucke, Justin  
**Sent:** Thursday, February 2, 2017 12:32 PM  
**To:** Hucke, Justin  
**CC:** White, Bill  
**Subject:** REMINDER: Co-sponsor Request: Online Checkbook

**REMINDER: Deadline to co-sponsor is TOMORROW at 5pm!**



**To:** All House Members  
**From:** Representatives Dever and Greenspan  
**Date:** Friday, January 27, 2017  
**RE:** Co-sponsor Request: Online Checkbook

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In the near future, we plan to reintroduce legislation that will codify a state government expenditure database. This measure is identical to House Bill 46 of the 131st General Assembly, which **passed the House of Representatives in April of 2015 unanimously with 74 co-sponsors.**

Throughout the legislative process, this legislation had no opponents and attracted broad bipartisan support from organizations including the Buckeye Institute, Ohio Public Research Interest Group, and the Ohio Newspaper Association.

Using existing authority, in December 2014, Ohio Treasurer Josh Mandel unveiled [www.ohiocheckbook.com](http://www.ohiocheckbook.com), an easily accessible, searchable database of state expenditures for

our taxpayers to hold state government accountable for spending. The new website, arguably the best of its kind in the Nation, reflects the intent of this legislation, but it could readily be taken down by a future treasurer of state. Through this legislation, future treasurers, regardless of political affiliation or commitment to transparency, must maintain this important tool that already is providing more accountable government to our state's residents.

If you would like to co-sponsor this legislation, or if you have any questions or concerns regarding its content, please contact Justin Huckle at 466-8120 or [Justin.Huckle@ohiohouse.gov](mailto:Justin.Huckle@ohiohouse.gov) or Bill White at 466-0961 or [Bill.White@ohiohouse.gov](mailto:Bill.White@ohiohouse.gov). The deadline for co-sponsoring this bill is Friday, February 3rd at 5:00 p.m.

**From:** Derksen, Nick  
**Sent:** Thursday, February 2, 2017 3:34 PM  
**To:** Derksen, Nick  
**Subject:** Every Student Succeeds Act (ESSA) Draft State Plan  
**Attachments:** Ohio ESSA Consolidated State Plan\_February 2 2017.pdf;  
ESSA\_Framework\_Report.pdf

Good afternoon,

The Ohio Department of Education released the "State Template for the Consolidated State Plan Under the Every Student Succeeds Act" earlier today. This draft plan is intended for public comment and review. The public comment window will be open through March 6, 2017. According to ODE, "Input will continue to be incorporated throughout the development of the final Ohio plan and technical submission. Once edits are made based on the comments received, the full draft plan and technical document will be submitted to the U.S. Department of Education in April".

As a forewarning, this document is very technical in nature due to the prescriptive authority of the U.S. Department of Education's guidelines. The draft plan is broken into six sections: (1) Long-Term Goals, (2) Consultation and Performance Management, (3) Academic Assessments, (4) Accountability, Support, and Improvement for Schools, (5) Supporting Excellent Educators, and (6) Supporting All Students.

A couple of weeks ago, a document was sent in regards to ODE's high-level overview of what to expect with the implementation of ESSA in Ohio. This has also been attached.

Lastly, ODE also has a survey for the public to complete in reviewing the ESSA draft state plan. Please share this information with your local superintendents, teachers, parents, and students – if you wish.

All ESSA updates can be found at <http://education.ohio.gov/Topics/Every-Student-Succeeds-Act-ESSA> including a comprehensive document with all of the ESSA items that ODE has released thus far.

If there are any questions/comments, please do not hesitate to contact me.

Best,  
Nick Derksen



\*\*\*

**Nicholas J. Derksen**

Majority Policy Advisor | Speaker Clifford A. Rosenberger  
Ohio House of Representatives | 77 S. High Street, 14<sup>th</sup> Floor, Columbus, Ohio 43215  
Office: 614.466.2361 | Mobile: 937.602.2174 | [Nick.Derksen@ohiohouse.gov](mailto:Nick.Derksen@ohiohouse.gov)

**State Template for the  
Consolidated State Plan  
Under the Every Student Succeeds Act**



U.S. Department of Education  
OMB Number: 1810-0576  
Expiration Date: November 30, 2019

**OHIO DRAFT SUBMISSION  
FOR PUBLIC COMMENT**

February 2, 2017

## Introduction

Section 8302 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)<sup>1</sup>, permits the Secretary to establish procedures and criteria under which, after consultation with the Governor, a State educational agency (SEA) may submit a consolidated State plan designed to simplify the application requirements and reduce burden for SEAs. The Secretary must establish, for each covered program under section 8302 of the ESEA, and additional programs designated by the Secretary, the descriptions, information, assurances, and other material required to be included in a consolidated State plan.

The U.S. Department of Education (Department) encourages each State to think comprehensively about implementation of programs across the ESEA and to leverage funding to ensure a focus on equity and excellence for all students as it develops its consolidated State plan. Further, the Department aims to support collaboration and efficiency across multiple programs to help ensure that all children have significant opportunity to receive a fair, equitable, and high-quality education and that each SEA works to close achievement gaps.<sup>2</sup>

The Department identified five overarching components and corresponding elements that integrate the included programs and that must be addressed by each SEA electing to submit a consolidated State plan. These components encourage each SEA to plan and implement included programs in a comprehensive way to support local educational agencies (LEAs), schools, and all subgroups of students. Consistent with the Secretary's authority in 34 C.F.R. § 299.13(d) to establish the date, time and manner for submission of the consolidated State plan, the Department has established this template for submitting the consolidated State plan. Within each component, each SEA is required to provide descriptions related to implementation of the programs the SEA includes in the consolidated State plan. The consolidated State plan template includes a section for each of the components, as well as a section for the long-term goals required under the statewide accountability system in section 1111(c)(4)(a) of the ESEA and 34 C.F.R. § 299.17(a).

The sections are as follows:

1. Long-Term Goals
2. Consultation and Performance Management
3. Academic Assessments
4. Accountability, Support, and Improvement for Schools
5. Supporting Excellent Educators
6. Supporting All Students

When developing its consolidated State plan, the Department encourages each SEA to reflect on its overall vision and how the different sections of the consolidated State plan work together to create one comprehensive approach to improving outcomes for all students. The Department encourages each SEA to consider: (1) what is the SEA's vision with regard to its education system; (2) how does this plan help drive toward that vision; and (3) how will the SEA evaluate its effectiveness on an ongoing basis?

<sup>1</sup> Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

<sup>2</sup> In developing its consolidated State plan, each SEA must meet the requirements section 427 of the General Education Provisions Act (GEPA) and describe the steps it will take to ensure equitable access to and participation in the included programs for students, teachers and other program beneficiaries with special needs.

### **Instruction for Completing the Consolidated State Plan**

Each SEA must address all required elements of the consolidated State plan. Although the information an SEA provides for each requirement will reflect that particular requirement, an SEA is encouraged to consider whether particular descriptions or strategies meet multiple requirements or goals. In developing its consolidated State plan, an SEA should consider all requirements to ensure that it develops a comprehensive and coherent consolidated State plan.

#### **Submission Procedures**

Each SEA must submit to the Department its consolidated State plan by one of the following two deadlines of the SEA's choice:

- **April 3, 2017;** or
- **September 18, 2017.**

The Department will not review plans on a rolling basis; consequently, consistent with 34 C.F.R. § 299.13(d)(2)(ii), a consolidated State plan or an individual program State plan that addresses all of the required components received:

- On or prior to April 3, 2017 is considered to be submitted by the SEA and received by the Secretary on April 3, 2017.
- Between April 4 and September 18, 2017 is considered to be submitted by the SEA and received by the Secretary on September 18, 2017.

Each SEA must submit either a consolidated State plan or individual-program State plans for all included programs that meet all of the statutory and regulatory requirements in a single submission by one of the above deadlines.

The Department will provide additional information regarding the manner of submission (e.g., paper or electronic) at a later date consistent with 34 C.F.R. § 299.13(d)(2)(i).

#### **Publication of State Plan**

After the Secretary approves a consolidated State plan or an individual program State plan, an SEA must publish its approved plan(s) on the SEA's Web site in a format and language, to the extent practicable, that the public can access and understand in compliance with the requirements under 34 C.F.R. § 200.21(b)(1)-(3).

**For Further Information:** If you have any questions, please contact your Program Officer at OSS.[State]@ed.gov (e.g., OSS.Alabama@ed.gov).

### Cover Page

Contact Information and Signatures	
SEA Contact (Name and Position) J. Christopher Woolard, Senior Executive Director, Accountability and Continuous Improvement	Telephone (614) 387-7574
Mailing Address: 25 South Front Street Columbus, Ohio 43215	Email Address: Christopher.Woolard@education.ohio.gov
Authorized SEA Representative (Printed Name) Paolo DeMaria, State Superintendent of Public Instruction	Telephone: (614) 995-1985
Signature of Authorized SEA Representative	Date:
Signature of Governor (If Applicable)	Date:

The SEA, through its authorized representative, agrees to the enclosed assurances.

### Programs Included in the Consolidated State Plan

*Instructions:* Indicate below by checking the appropriate box(es) which programs the SEA included in its consolidated State plan. If an SEA elected not to include one or more of the programs below in its consolidated State plan, but is eligible and still wishes to receive funds under that program or programs, it must submit individual program plans that meet all statutory requirements with its consolidated State plan in a single submission, consistent with 34 C.F.R. § 299.13(d)(iii).

☐ Check this box if the SEA has included all of the following programs in its consolidated State plan.

or

If all programs are not included, check each program listed below for which the SEA is submitting an individual program State plan:

- ☒ Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies
- ☒ Title I, Part C: Education of Migratory Children
- ☒ Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- ☒ Title II, Part A: Supporting Effective Instruction
- ☒ Title III, Part A: Language Instruction for English Learners and Immigrant Students
- ☒ Title IV, Part A: Student Support and Academic Enrichment Grants
- ☒ Title IV, Part B: 21st Century Community Learning Centers
- ☒ Title V, Part B, Subpart 2: Rural and Low-Income School Program
- ☒ Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act): Education for Homeless Children and Youths Program

#### Educator Equity Extension

☒ Check this box if the SEA is requesting an extension for calculating and reporting student-level educator equity data under 34 C.F.R. § 299.13(d)(3). An SEA that receives this extension must calculate and report in this consolidated State plan the differences in rates based on school-level data for each of the groups listed in section 5.3.B and describe how the SEA will eliminate any differences in rates based on the school-level data consistent with section 5.3.E. An SEA that requests this extension must also provide a detailed plan and timeline in Appendix C addressing the steps it will take to calculate and report, as expeditiously as possible but no later than three years from the date it submits its initial consolidated State plan, the data required under 34 C.F.R. § 299.18(c)(3)(i) at the student level.

## Long-term Goals

*Instructions: Each SEA must provide baseline data (i.e., starting point data), measurements of interim progress, and long-term goals for academic achievement, graduation rates, and English language proficiency. For each goal, the SEA must describe how it established its long-term goals, including its State-determined timeline for attaining such goals, consistent with the requirements in section 1111(c)(2) of the ESEA and 34 C.F.R. § 200.13. Each SEA must provide goals and measurements of interim progress for the all students group and separately for each subgroup of students, consistent with the State's minimum number of students.*

*In the tables below, identify the baseline (data and year) and long-term goal (data and year). If the tables do not accommodate this information, an SEA may create a new table or text box(es) within this template. Each SEA must include measurements of interim progress for academic achievement, graduation rates, and English language proficiency in Appendix A.*

### A. Academic Achievement.

- i. **Description.** Describe how the SEA established its ambitious long-term goals and measurements of interim progress for improved academic achievement, including how the SEA established its State-determined timeline for attaining such goals.

During Ohio's more than 13-month (from 2016 to 2017), stakeholder engagement process that reached more than 15,000 Ohioans, stakeholders provided feedback around many issues, including customized improvement objectives at the state and local levels. Stakeholders requested that long-term state goals be set to a timeline that would be sufficient to demonstrate results. Based on this feedback, Ohio proposes to set its long-term timeline for improvement goals at 10 years.

Baseline data for academic achievement was set for both ELA and math using 2016 data from the ELA or math tests in grades 3-8 and the ELA I and ELA II or the algebra I, integrated math I, geometry and integrated math II end-of-course tests. The percentages reported in the baseline column represent the actual statewide passage rates for each subgroup using first-time test takers in the 2015-16 school year. Retakes were not included in this analysis.

The long-term goal for all students is designed to align with the Indicators Met standard, which requires at least 80% of students to score Proficient or higher on each test as a condition to meet each test indicator. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and increasing the prior year's benchmark by that percentage to provide for consistent annual increases (e.g.  $80\% - 55.1\% = 24.9\%$  difference.  $24.9\%/10 \text{ years} = 2.5\%$  increase per year).

The long-term goal for each of the other nine federally required subgroups was set to cut the gap between the baseline and 100% in half by the end of the 2025-2026 school year.

For example: to determine our long-term goal for the Economic Disadvantage subgroup in ELA:

- Currently, 39.3% of students in the Economic Disadvantaged subgroup are proficient in ELA.
- To identify the gap between percent proficient and 100%, we subtract our current percent proficient (39.3%) from 100% leaving a gap of 60.7%.
- Next, we divide that gap (60.7%) in half to identify our growth goal by the end of the 2025-2026 school year. In this case, our growth percentage is 30.4%.
- To determine our long term goal, we add our growth percentage (30.4%) to our current percent proficient (39.3%). In this case our long term goal will be 69.7%.
- In a few cases, the actual proficiency percentage was such that the subgroup would have had a long-term goal higher than 80% by cutting the gap in half. For these subgroups, a long-term goal of 80% was established. The short-term benchmarks for the subgroups were set by dividing the difference in the long-term goal and the baseline by 10 to provide for consistent annual increases.

The same calculations described above were done for the Performance Index Score with a long-term goal for the all students set at the number of points that would be earned of all students scored Proficient on their ELA or math assessment. In the Performance Index tables, the data represent the number of points earned out of a possible 120 points, not percentage of points earned.

Note that all percentages are rounded to the nearest tenth so in some cases, the increments do not appear to be exactly equal from one year to the next.

ii. Provide the baseline and long-term goals in the table below.

English Language Arts Achievement – Includes Grades 3-8 ELA, ELA I and ELA II											
	2015-2016 Baseline	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All Students	55.1%	57.6%	60.1%	62.6%	65.1%	67.6%	70.0%	72.5%	75.0%	77.5%	80.0%
Economic-Disadvantaged	39.3%	42.3%	45.4%	48.4%	51.4%	54.5%	57.5%	60.5%	63.6%	66.6%	69.7%
Students with Disabilities	20.6%	24.6%	28.5%	32.5%	36.5%	40.5%	44.4%	48.4%	52.4%	56.3%	60.3%
English Learners	28.2%	31.8%	35.4%	39.0%	42.6%	46.2%	49.7%	53.3%	56.9%	60.5%	64.1%
African-American	28.8%	32.4%	35.9%	39.5%	43.0%	46.6%	50.2%	53.7%	57.3%	60.8%	64.4%
American Indian or Alaskan Native	49.8%	52.3%	54.8%	57.3%	59.8%	62.4%	64.9%	67.4%	69.9%	72.4%	74.9%
Asian or Native Hawaiian/ Other Pacific Islander	69.9%	70.9%	71.9%	72.9%	73.9%	75.0%	76.0%	77.0%	78.0%	79.0%	80.0%
Hispanic or Latino	40.8%	43.8%	46.7%	49.7%	52.6%	55.6%	58.6%	61.5%	64.5%	67.4%	70.4%
Multi-Racial	49.9%	52.4%	54.9%	57.4%	59.9%	62.4%	64.9%	67.4%	69.9%	72.4%	75.0%
White	61.8%	63.6%	65.4%	67.3%	69.1%	70.9%	72.7%	74.5%	76.4%	78.2%	80.0%

Mathematics Achievement – Includes Grades 3-8 Math, Algebra I, Geometry, Integrated Math I and Integrated Math II											
	2015-2016 Baseline	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All Students	58.1%	60.3%	62.5%	64.7%	66.9%	69.1%	71.2%	73.4%	75.6%	77.8%	80.0%
Economic-Disadvantaged	42.4%	45.3%	48.2%	51.0%	53.9%	56.8%	59.7%	62.6%	65.4%	68.3%	71.2%
Students with Disabilities	24.5%	28.3%	32.1%	35.8%	39.6%	43.4%	47.2%	50.9%	54.7%	58.5%	62.3%
English Learners	58.1%	60.2%	62.3%	64.4%	66.5%	68.6%	70.7%	72.8%	74.9%	77.0%	79.1%
African-American	28.8%	32.4%	35.9%	39.5%	43.0%	46.6%	50.2%	53.7%	57.3%	60.8%	64.4%
American Indian or Alaskan Native	50.0%	52.5%	55.0%	57.5%	60.0%	62.5%	65.0%	67.5%	70.0%	72.5%	75.0%



Asian or Native Hawaiian/ Other Pacific Islander	77.5%	77.8%	78.0%	78.3%	78.5%	78.8%	79.0%	79.3%	79.5%	79.8%	80.0%
Hispanic or Latino	44.1%	46.9%	49.7%	52.5%	55.3%	58.1%	60.9%	63.7%	66.5%	69.3%	72.1%
Multi-Racial	51.5%	53.9%	56.4%	58.8%	61.2%	63.6%	66.1%	68.5%	70.9%	73.3%	75.8%
White	65.5%	67.0%	68.4%	69.9%	71.3%	72.8%	74.2%	75.7%	77.1%	78.6%	80.0%

English Language Arts Performance Index – Includes Grades 3-8 ELA, ELA I and ELA II											
	2015-2016 Baseline	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All Students	79.7	81.7	83.8	85.8	87.8	89.9	91.9	93.9	95.9	98	100
Economic-Disadvantaged	67.5	69.1	70.8	72.4	74	75.6	77.3	78.9	80.5	82.1	83.8
Students with Disabilities	52.5	54.9	57.3	59.6	62	64.4	66.8	69.1	71.5	73.9	76.3
English Learners	61.8	63.7	65.6	67.5	69.4	71.4	73.3	75.2	77.1	79	80.9
African-American	59.3	61.3	63.4	65.4	67.4	69.5	71.5	73.5	75.6	77.6	79.7
American Indian or Alaskan Native	76.2	77.4	78.6	79.8	81	82.2	83.3	84.5	85.7	86.9	88.1
Asian or Native Hawaiian/ Other Pacific Islander	91.5	91.9	92.4	92.8	93.2	93.6	94.1	94.5	94.9	95.3	95.8
Hispanic or Latino	68.7	70.3	71.8	73.4	75	76.5	78.1	79.7	81.2	82.8	84.4
Multi-Racial	75.9	77.1	78.3	79.5	80.7	81.9	83.1	84.3	85.5	86.7	88
White	84.8	85.6	86.3	87.1	87.8	88.6	89.4	90.1	90.9	91.6	92.4

Mathematics Performance Index Score – Includes Grades 3-8 Math, Algebra I, Geometry, Integrated Math I and Integrated Math II											
	2015-2016 Baseline	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All Students	80.3	82.3	84.2	86.2	88.2	90.2	92.1	94.1	96.1	98	100
Economic-Disadvantaged	67.9	69.5	71.1	72.7	74.3	75.9	77.5	79.1	80.7	82.3	84
Students with Disabilities	53.5	55.8	58.2	60.5	62.8	65.1	67.5	69.8	72.1	74.4	76.8
English Learners	66.8	68.5	70.1	71.8	73.4	75.1	76.8	78.4	80.1	81.7	83.4
African-American	57	59.2	61.3	63.5	65.6	67.8	69.9	72.1	74.2	76.4	78.5
American Indian or Alaskan Native	74.2	75.5	76.8	78.1	79.4	80.7	81.9	83.2	84.5	85.8	87.1
Asian or Native Hawaiian/ Other Pacific Islander	97.5	97.6	97.8	97.9	98	98.1	98.3	98.4	98.5	98.6	98.8
Hispanic or Latino	69.2	70.7	72.3	73.8	75.4	76.9	78.4	80	81.5	83.1	84.6
Multi-Racial	75.2	76.4	77.7	78.9	80.2	81.4	82.6	83.9	85.1	86.4	87.6
White	86.2	86.9	87.6	88.3	89	89.7	90.3	91	91.7	92.4	93.1

**B. Graduation Rate.**

- i. **Description.** Describe how the SEA established its ambitious long-term goals and measurements of interim progress for improved four-year adjusted cohort graduation rates, including how the SEA established its State-determined timeline for attaining such goals.

Using the same stakeholder engagement process described above, Ohio will continue to hold its long-term timeline for improvement to 10 years.

The baseline for graduation rate for all students and for each subgroup was set using actual data from the Class of 2015 reported on the 2016 Report Card. The percentages reported in the baseline column represent the actual statewide four-year cohort graduation rates for each subgroup for the Class of 2015.

The long-term goal for all students is designed to align with state regulations, which requires at least 93% of all students to graduate within four-years of starting high school in order to earn a letter grade of "A" for the four-year graduation rate. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and increasing the prior year's benchmark by that percentage to provide for consistent annual increases. (e.g. --  $93\% - 83\% = 10\%$  difference.  $10\%/10 \text{ years} = 1.0\%$  increase per year).

The long-term goal for each of the other nine federally required subgroups was set to cut the gap between the baseline and 100% in half by the end of the 2025-2026 school year. For example, using the same process described above for the Economic Disadvantage Subgroup --  $100\% - 71.4\% =$  a gap of 28.6%.  $28.6\%/2 = 14.3\%$ .  $71.4\% + 14.3\% =$  a long term goal of 85.7%. In two cases (Asian and White) the actual percentage of the Class of 2015 graduating was such that they would have had a long-term goal higher than 93% by cutting the gap in half. For these subgroups, a long-term goal of 93% was established. The short-term benchmarks were set by dividing the difference in the long-term goal and the baseline by 10 to provide for consistent annual increases.

Note that all percentages are rounded to the nearest tenth so in some cases, the increments do not appear to be exactly equal from one year to the next.

- ii. Provide the baseline and long-term goals for the four-year adjusted cohort graduation rate in the table below.

Four-Year Cohort Graduation Rate -- Class of 2015											
	2015-2016 Baseline	2016- 2017	2017- 2018	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025	2025- 2026
All Students	83.0%	84.0%	85.0%	86.0%	87.0%	88.0%	89.0%	90.0%	91.0%	92.0%	93.0%
Economic- Disadvantaged	71.4%	72.8%	74.3%	75.7%	77.1%	78.6%	80.0%	81.4%	82.8%	84.3%	85.7%
Students with Disabilities	69.2%	70.7%	72.3%	73.8%	75.4%	76.9%	78.4%	80.0%	81.5%	83.1%	84.6%
English Learners	54.4%	56.7%	59.0%	61.2%	63.5%	65.8%	68.1%	70.4%	72.6%	74.9%	77.2%
African-American	65.0%	66.8%	68.5%	70.3%	72.0%	73.8%	75.5%	77.3%	79.0%	80.8%	82.5%
American Indian or	76.4%	77.6%	78.8%	79.9%	81.1%	82.3%	83.5%	84.7%	85.8%	87.0%	88.2%

Alaskan Native												
Asian or Native Hawaiian/ Other Pacific Islander	87.7%	88.2%	88.8%	89.3%	89.8%	90.4%	90.9%	91.4%	91.9%	92.5%	93.0%	
Hispanic or Latino	72.0%	73.4%	74.8%	76.2%	77.6%	79.0%	80.4%	81.8%	83.2%	84.6%	86.0%	
Multi-Racial	77.7%	78.8%	79.9%	81.0%	82.2%	83.3%	84.4%	85.5%	86.6%	87.7%	88.9%	
White	87.4%	88.0%	88.5%	89.1%	89.6%	90.2%	90.8%	91.3%	91.9%	92.4%	93.0%	

- iii. If applicable, provide the baseline and long-term goals for each extended-year cohort graduation rate(s) and describe how the SEA established its ambitious long-term goals and measurements for such an extended-year rate or rates that are more rigorous as compared to the long-term goals and measurements of interim progress than the four-year adjusted cohort rate, including how the SEA established its State-determined timeline for attaining such goals.

In addition to the four-year cohort graduation rate, Ohio also utilizes the five-year cohort graduation rate. This is an A-F graded measure on our state report cards. The baseline for all students and for each subgroup was set using actual data from the Class of 2014 reported on the 2016 report card. The percentages reported in the baseline column represent the actual statewide five-year graduation rates for each subgroup for the Class of 2014.

The long-term goal for all students is designed to align with state law, which requires at least 95% of all students to graduate within five years of starting high school in order to earn a letter grade of "A" for the five-year graduation rate. This rate is higher than the expectation for the four-year rate which is 93% as it is expected that schools continue to provide interventions so that students can succeed in that fifth year. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and increasing the prior year's benchmark by that percentage. (e.g. --  $95\% - 84.9\% = 10.1\%$  difference.  $10.1\%/10 \text{ years} = 1.01\%$  increase per year). Note that when setting short-term benchmarks, the percentages are rounded to the nearest tenth, which means some increases may look slightly larger than others.

The long-term goal for each of the other nine federally required subgroups was set to cut the gap between the baseline and 100% in half by the end of the 2025-2026 school year. For example, using the same process described above for the Economic Disadvantage Subgroup --  $100\% - 74.2\% = \text{a gap of } 25.8\%$ .  $25.8\%/2 = 12.9\%$ .  $74.2\% + 12.9\% = \text{a long-term goal of } 87.1\%$ . In one case (Asian), the actual percentage of the Class of 2014 graduating was such that they would have had a long-term goal higher than 95% by cutting the gap in half. For this subgroup, a long-term goal of 95% was established. The short-term benchmarks were set by dividing the difference in the long-term goal and the baseline by 10 to provide for consistent annual increases.

Note that all percentages are rounded to the nearest tenth so in some cases, the increments do not appear to be exactly equal from one year to the next.

Five-Year Cohort Graduation Rate – Class of 2014											
	2015- 2016 Baseline	2016- 2017	2017- 2018	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025	2025- 2026
All Students	84.9%	85.9%	86.9%	87.9%	88.9%	90.0%	91.0%	92.0%	93.0%	94.0%	95.0%
Economic- Disadvantaged	74.2%	75.5%	76.8%	78.1%	79.4%	80.7%	81.9%	83.2%	84.5%	85.8%	87.1%
Students with Disabilities	75.3%	76.5%	77.8%	79.0%	80.2%	81.5%	82.7%	83.9%	85.2%	86.4%	87.7%
English Learners	75.6%	76.8%	78.0%	79.3%	80.5%	81.7%	82.9%	84.1%	85.4%	86.6%	87.8%
African-American	68.6%	70.2%	71.7%	73.3%	74.9%	76.5%	78.0%	79.6%	81.2%	82.7%	84.3%
American Indian or Alaskan Native	78.3%	79.4%	80.5%	81.6%	82.6%	83.7%	84.8%	85.9%	87.0%	88.1%	89.2%
Asian or Native Hawaiian/ Other Pacific Islander	90.9%	91.3%	91.7%	92.1%	92.5%	93.0%	93.4%	93.8%	94.2%	94.6%	95.0%
Hispanic or Latino	74.2%	75.5%	76.8%	78.1%	79.4%	80.7%	81.9%	83.2%	84.5%	85.8%	87.1%
Multi-Racial	78.8%	79.9%	80.9%	82.0%	83.0%	84.1%	85.2%	86.2%	87.3%	88.3%	89.4%
White	88.9%	89.5%	90.0%	90.6%	91.1%	91.7%	92.2%	92.8%	93.3%	93.9%	94.4%

**C. English Language Proficiency.**

- i. **Description.** Describe the State's uniform procedure, applied consistently to all English learners in the State, to establish research-based student-level targets on which the goals and measurements of interim progress are based. The description must include:

1. How the State considers a student's English language proficiency level at the time of identification and, if applicable, any other student characteristics that the State takes into account (i.e., time in language instruction programs, grade level, age, Native language proficiency level, or limited or interrupted formal education, if any).
2. The applicable timelines over which English learners sharing particular characteristics would be expected to attain ELP within a State-determined maximum number of years and a rationale for that State-determined maximum.
3. How the student-level targets expect all English learners to make annual progress toward attaining English language proficiency within the applicable timelines.

The student-level targets, on which the goals and measurements of interim progress are based, will take into account a student's initial English language proficiency level and a student's grade level at the time of identification, using Ohio's English Language Proficiency Assessment (OELPA) and student enrollment data.

Ohio is a member of the English Language Proficiency Assessment for the 21st Century (ELPA21) consortium which developed the English language proficiency assessment administered to students identified as English learners. In Ohio, the Ohio English Language Proficiency Assessment (OELPA) replaces the previous Ohio Test of English Language Acquisition (OTELA). The OELPA measures English language proficiency based on the new Ohio English Language Proficiency Standards. The OELPA is administered in the following grade bands: kindergarten, grade 1, grades 2 – 3, grades 4 – 5, grades 6 – 8, and grades 9 – 12. Each OELPA grade band includes tests on four domains: listening, reading, writing and speaking. Each OELPA domain has five performance levels, 1 – 5. The performance levels on each of the four domains are used to determine the overall performance level.

There are three overall performance levels established by ELPA21: Proficient, Progressing and Emerging. The performance-level definitions, agreed to by the ELPA21 member states, are as follows: Proficient students are those scoring any combination of 4s and 5s across all four domains; Emerging students are those scoring any combination of 1s and 2s across all four domains; Progressing students are those scoring any combination across the four domains that does not fall into Proficient or Emerging.

The average English learner in Ohio is reclassified (as former EL) in seven years, taking no additional student characteristics into account. Research has shown several learning development trends for English learners that are also seen in Ohio's students – the average English learner exits EL status within four to seven years and greater language gains are made in earlier grade levels. Initial analysis that takes into account a student's grade level shows that students' language acquisition improvement varies across grade ranges from approximately 30% in middle school to nearly 70% in early elementary grades. Ohio students' experience, similar to national peer reviewed research, shows rapid improvement in early grades followed by more gradual improvement through middle and high school.

Student Level Targets – Example [Intentionally Left Blank]

		Student-level Targets							
		Initial	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Emerging	Grades K - 3								
	Grades 4 - 6								
	Grades 7 - High School								
Progressing	Grades K - 3								
	Grades 4 - 6								
	Grades 7 - High School								
Trial Mainstream	Grades K - 3								
	Grades 4 - 6								
	Grades 7 - High School								

- ii. Describe how the SEA established ambitious State-designed long-term goals and measurements of interim progress for increases in the percentage of all English learners in the State making annual progress toward attaining English language proficiency based on 1.C.1. and provide the State-designed long-term goals and measurements of interim progress for English language proficiency.

Ohio engaged stakeholders in conversations around customized improvement objectives at the state and local levels. EL stakeholders included educators who provide language instruction educational programs and other supports to students who are English learners, coordinators of programs that serve English learners, and representatives of community organizations that serve groups from immigrant, migrant or other backgrounds where children have learned languages other than English and require additional language supports. Additionally, stakeholders included professional organizations that advocate for English language programs, such as Ohio Teachers of English to Speakers of Other Languages. Stakeholders, requested that long-term state goals be set to a timeline that would be sufficient to demonstrate results. Based on this feedback, Ohio proposes to set its long-term timeline for improvement goals at 10 years.

Baseline data for annual progress toward attaining English language proficiency is based on simulations from 2014-2015 OTELA to 2015-2016 OELPA data. Ohio has a single year of OELPA performance data

due to transitioning to the new test for the 2015-2106 school year. The 2014-2015 OTELA data was converted using concordance tables provided by our test vendor.

The long-term goal for English learners requires that at least 75% of students make the expected annual improvement, as established by the student-level targets, on the OELPA. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and increasing the prior year's benchmark by that percentage to provide for consistent annual increases (e.g.  $75\% - 45\% = 30\%$  difference.  $30\%/10 \text{ years} = 3\%$  increase per year).

30% difference. 30%/10 years = 3% increase per year.

English Learners Annual Progress Toward Attaining English Language Proficiency											
	2015-2016 Baseline	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All English Learners	45.0%	48%	51%	54%	57%	60%	63%	66%	69%	72%	75%

#### D. State Non-Academic Indicators

Stakeholders overwhelmingly supported including a state non-academic indicator—as long it did not result in an additional burden (in terms of costs and data collection) to districts. Ohio is including two non-academic indicators for schools and districts. First, the Department will measure student engagement by considering chronic absenteeism and student discipline incidents. This indicator will include progress towards reducing chronic absenteeism so that schools have a gauge of their progress. The Department will also investigate the use of school climate surveys as both a school improvement tool and a potential measure to include as part of Ohio's accountability system in the future. A second non-academic indicator will include state percentage of graduates meeting Ohio's Prepared for Success standards. This graded component of Ohio's report card measures graduates who are remediation-free on all parts of ACT/SAT, who earn an honors diploma, or who earn an industry-recognized credential.

For chronic absenteeism, the baseline for all students and for each subgroup was set using actual data from the 2015-16 school year. The percentages reported in the baseline column represent the actual chronic absenteeism percentages each subgroup in the 2015-16 school year.

The long-term goal for all students is designed to align with best practice research, which says that districts should strive to reach a level where no more than 5% of the students are deemed to be chronically absent. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and decreasing the prior year's benchmark by that percentage to provide for consistent annual increases (e.g.  $-15.8\% - 5\% = 10.8\%$  difference.  $10.8\%/10 \text{ years} = 1.1\%$  decrease per year). Note that when setting short-term benchmarks, the percentages are rounded to the nearest tenth, which means some increases may look slightly larger than others.

The long-term goal for each of the other nine federally required subgroups was set to cut the chronic absenteeism rate in half by the end of the 2025-2026 school year. For example, for the Economic Disadvantage Subgroup  $-23.7\%/2 =$  a cut of 11.9%.  $11.9\%/10 =$  a decrease of 1.2% per year. In one case (Asian), the chronic absenteeism percentage was such that the long-term goal would be lower than 5% by cutting the gap in half. For this subgroup, a long-term goal of 5% was established. The short-term

benchmarks were set by dividing the difference in the long-term goal and the baseline by 10 to provide for consistent annual increases.

For the Prepared for Success data, the baseline for all students and for each subgroup was set using actual data from the combined Classes of 2014 and 2015 reported on the 2016 report cards. The percentages reported in the baseline column represent the actual statewide Prepared for Success percentage for each subgroup for the two graduation cohorts.

The long-term goal for all students is designed to align with the current Report Card requirements which requires at Prepared for Success percentage of least 93% in order to earn a letter grade of "A" for this component. The short-term benchmarks were set by dividing the difference between the long-term goal and the baseline by 10 and increasing the prior year's benchmark by that percentage (e.g.  $93\% - 34.2\% = 58.8\%$  difference.  $58.8\%/10 \text{ years} = 5.88\%$  increase per year). Note that when setting short-term benchmarks, the percentages are rounded to the nearest tenth, which means some increases may look slightly larger than others.

The long-term goal for each of the other nine federally required subgroups was set to cut the gap between the baseline and 100% in half by the end of the 2025-2026 school year. For example, for the Economic Disadvantage Subgroup  $- 100\% - 13.9\% =$  a gap of 86.1%.  $86.1\%/2 = 43.1\%$ .  $43.1\% + 13.9\% =$  a long term goal of 57.0. The short-term benchmarks were set by dividing the difference in the long-term goal and the baseline by 10 to provide for consistent annual increases.

Note that all percentages for both elements are rounded to the nearest tenth so in some cases, the increments do not appear to be exactly equal from one year to the next.

Chronic Absenteeism Percentage												
	2015- 2016 Baseline	2016- 2017	2017- 2018	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025	2025- 2026	
All Students	15.8%	14.7%	13.6%	12.6%	11.5%	10.4%	9.3%	8.2%	7.2%	6.1%	5.0%	
Economic- Disadvantaged	23.7%	22.5%	21.3%	20.1%	19.0%	17.8%	16.6%	15.4%	14.2%	13.0%	11.9%	
Students with Disabilities	24.1%	22.9%	21.7%	20.5%	19.3%	18.1%	16.9%	15.7%	14.5%	13.3%	12.1%	
English Learners	16.1%	15.3%	14.5%	13.7%	12.9%	12.1%	11.3%	10.5%	9.7%	8.9%	8.1%	
African-American	27.1%	25.7%	24.4%	23.0%	21.7%	20.3%	19.0%	17.6%	16.3%	14.9%	13.6%	
American Indian or Alaskan Native	26.2%	24.9%	23.6%	22.3%	21.0%	19.7%	18.3%	17.0%	15.7%	14.4%	13.1%	
Asian or Native Hawaiian/ Other Pacific Islander	8.4%	8.1%	7.7%	7.4%	7.0%	6.7%	6.4%	6.0%	5.7%	5.3%	5.0%	
Hispanic or Latino	20.2%	19.2%	18.2%	17.2%	16.2%	15.2%	14.1%	13.1%	12.1%	11.1%	10.1%	
Multi-Racial	20.3%	19.3%	18.3%	17.3%	16.2%	15.2%	14.2%	13.2%	12.2%	11.2%	10.2%	
White	12.9%	12.3%	11.6%	11.0%	10.3%	9.7%	9.0%	8.4%	7.7%	7.1%	6.5%	

Percentage of Graduates Meeting Ohio's "Prepared for Success" Standards (Either Remediation-Free on All Parts of ACT/SAT or with an Honors Diploma or with an Industry-Recognized Credential) -- Includes Classes of 2014 and 2015											
	2015- 2016 Baseline	2016- 2017	2017- 2018	2018- 2019	2019- 2020	2020- 2021	2021- 2022	2022- 2023	2023- 2024	2024- 2025	2025- 2026
All Students	34.2%	40.1%	46.0%	51.8%	57.7%	63.6%	69.5%	75.4%	81.2%	87.1%	93.0%
Economic- Disadvantaged	13.9%	18.2%	22.5%	26.8%	31.1%	35.4%	39.7%	44.0%	48.3%	52.6%	57.0%
Students with Disabilities	5.3%	10.0%	14.8%	19.5%	24.2%	29.0%	33.7%	38.4%	43.2%	47.9%	52.7%
English Learners	12.1%	16.5%	20.9%	25.3%	29.7%	34.1%	38.5%	42.9%	47.3%	51.7%	56.1%
African-American	9.1%	13.6%	18.2%	22.7%	27.3%	31.8%	36.4%	40.9%	45.5%	50.0%	54.6%
American Indian or Alaskan Native	22.0%	25.9%	29.8%	33.7%	37.6%	41.5%	45.4%	49.3%	53.2%	57.1%	61.0%
Asian or Native Hawaiian/ Other Pacific Islander	67.9%	69.5%	71.1%	72.7%	74.3%	75.9%	77.5%	79.1%	80.7%	82.3%	84.0%
Hispanic or Latino	18.1%	22.2%	26.3%	30.4%	34.5%	38.6%	42.7%	46.8%	50.9%	55.0%	59.1%
Multi-Racial	24.3%	28.1%	31.9%	35.7%	39.4%	43.2%	47.0%	50.8%	54.6%	58.4%	62.2%
White	39.9%	42.9%	45.9%	48.9%	51.9%	54.9%	57.9%	60.9%	63.9%	66.9%	70.0%

## Section 2: Consultation and Performance Management

### 2.1 Consultation.

*Instructions:* Each SEA must engage in timely and meaningful consultation with stakeholders in developing its consolidated State plan, consistent with 34 C.F.R. §§ 299.13 (b) and 299.15 (a). The stakeholders must include the following individuals and entities and reflect the geographic diversity of the State:

- The Governor or appropriate officials from the Governor's office;
- Members of the State legislature;
- Members of the State board of education, if applicable;
- Districts, including districts in rural areas;
- Representatives of Indian tribes located in the State;
- Teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and organizations representing such individuals;
- Charter school leaders, if applicable;
- Parents and families;
- Community-based organizations;
- Civil rights organizations, including those representing students with disabilities, English learners, and other historically underserved students;
- Institutions of higher education (IHEs);
- Employers;
- Representatives of private school students;
- Early childhood educators and leaders; and
- The public.

Each SEA must meet the requirements in 34 C.F.R. § 200.21(b)(1)-(3) to provide information that is:



1. Be in an understandable and uniform format;
2. Be, to the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and
3. Be, upon request by a parent who is an individual with a disability as defined by the Americans with Disabilities Act, 42 U.S.C. 12102, provided in an alternative format accessible to that parent.

- A. **Public Notice.** Provide evidence that the SEA met the public notice requirements, under 34 C.F.R. § 299.13(b), relating to the SEA's processes and procedures for developing and adopting its consolidated State plan.

In order to achieve comprehensive engagement, the Department used a variety of strategies to communicate with the public and diverse groups of education stakeholders. Notices of regional meetings, webinars and surveys were distributed via direct email using existing and specialized Department email lists, the Department's ESSA-specific webpage, press releases, and social media. In an effort to reach Spanish speaking Ohioans, notice of our Spanish language survey was shared by the Ohio Commission on Hispanic / Latino Affairs. Evidence of this public notice can be found in Appendix D.

**B. Outreach and Input** For the components of the consolidated State plan including Challenging Academic Assessments; Accountability, Support, and Improvement for Schools; Supporting Excellent Educators; and Supporting All Students, describe how the SEA:

- i. Conducted outreach to and solicited input from the individuals and entities listed above, consistent with 34 C.F.R. § 299.13(b), during the design and development of the SEA's plans to implement the programs that the SEA has indicated it will include in its consolidated State plan; and following the completion of its initial consolidated State plan by making the plan available for public comment for a period of not less than 30 days prior to submitting the consolidated State plan to the Department for review and approval.

The Department did not write this plan in a vacuum. Ohio worked to meaningfully engage diverse groups of stakeholders to solicit a range of thoughts, opinions and recommendations. We instituted a 13-month (from 2016 to 2017), three-phased stakeholder engagement process that reached more than 15,000 Ohioans. Each stage of stakeholder consultation contributed feedback that has been incorporated into the state's draft plan. Additionally, through each phase, we closely engaged the Governor's Office and members of the Ohio General Assembly. Phases include:

**Phase 1: Initial discussions via individual meetings (January – October 2016)** The Department met with nearly 70 groups across Ohio to discuss the changes resulting from ESSA and gather initial thoughts from the field and stakeholders. The organizations that participated in these initial conversations can be found in the table below. Through these discussions, the Department sought to understand stakeholder priorities and values, which are embedded throughout the draft plan.

1. Ashtabula Career Technical Center	2. Battelle for Kids	3. Buckeye Association of School Administrators
4. Chartered Non-Public Advisory Council	5. Coalition of Ohio Rural & Appalachian Schools	6. Coalition on Homelessness and Housing in Ohio
7. Columbus Urban League	8. Committee of Practitioners	9. Communities in Schools of Central Ohio

10. Early Childhood Advisory Council	11. Educational Service Center of Central Ohio Local Superintendents Group	12. Educator Standards Board
13. English as a Second Language Advisory Group	14. Greater Cincinnati Urban League	15. InfoOhio
16. Innovative Learning Network	17. Juvenile Justice Coalition	18. KidsOhio
19. KnowledgeWorks	20. Legal Aid of Cincinnati	21. Liberty Leadership Development
22. Management Council of the Ohio Education Computer Network	23. Mayerson Academy	24. North Central Ohio Educational Service Center
25. Ohio 8	26. Ohio Alliance for Arts Education	27. Ohio Alliance for Public Charter Schools
28. Ohio Association of Administrators of State and Federal Education Programs	29. Ohio Association of Career Technical Superintendents,	30. Ohio Association of City Career-Technical Schools
31. Ohio Association of Elementary School Administrators	32. Ohio Association of Gifted Children	33. Ohio Association of Independent Schools
34. Ohio Association of Private Colleges for Teachers Education	35. Ohio Association of School Business Officials	36. Ohio Association of Secondary School Administrators
37. Ohio Business Round Table	38. Ohio Council of Behavioral Health & Family Services Providers	39. Ohio Department of Jobs & Family Services
40. Ohio Education Association	41. Ohio Educational Service Center Association	42. Ohio Educational Library Media Association
43. Ohio Federation of Teachers	44. Ohio Foster Student Education Stakeholders	45. Ohio Latino Connection
46. Ohio Migrant Education Center	47. Ohio Parent Teacher Association	48. Ohio School Boards Association
49. Ohio School Counselor Association	50. Ohio School Psychologists Association	51. Ohio Standard
52. Ohio State Support Team Directors	53. Ohio Teachers of English to Speakers of Other Languages	54. P-12 Data Quality Council
55. P-16 Collaborative	56. Philanthropy Ohio	57. Public Children's Services Association of Ohio Department of Education
58. Putnam County Educational Service Center	59. Shaker Heights Task Force	60. State Advisory Panel for Exceptional Children
61. State Superintendents' Advisory Council	62. State University Education Deans	63. Summit Academies
64. TESOL Conference	65. Thomas B. Fordham Institute	66. Tri-County ESC Local Superintendents Group
67. Urban League of Greater Cleveland		

**Phase 2: Issue-specific discussions and feedback via regional stakeholder meetings, webinars and surveys (July – October 2016)** From late August to October 2016, the Department worked with Philanthropy Ohio (the organization that represents Ohio's foundation community) to conduct 10 regional stakeholder meetings that engaged nearly 1,500 Ohioans, including educators, school leaders and administrators, parents, higher education partners, business leaders and the general public. The date, time and location of those meetings is below.

Columbus	King Arts Complex Nicholson Auditorium 867 Mount Vernon Ave. Columbus, OH 43203	Aug. 31   6-8 p.m.
Akron	The University of Akron Grand Station at Quaker Station 135 S. Broadway Akron, OH 44308	Sept. 7   6-8 p.m.
Dayton	Stivers School for the Arts 1313 East Fifth St. Dayton, OH 45402	Sept. 8   6-8 p.m.
Bucyrus	The Loft at Pickwick Place 1875 N Sandusky Ave. Bucyrus, OH 44820	Sept. 14   5:30-7:30 p.m.
Toledo	The Toledo Club Centennial Room, 1st Floor 235 14 <sup>th</sup> St. Toledo, OH 43604	Sept. 15   6-8 p.m.
Cleveland	Cuyahoga Community College Jerry Sue Thornton Center 2500 E 22nd St. Cleveland, OH 44115	Sept. 19   6-8 p.m.
Lorain County	Lorain County Community College Norton Culinary Arts Center 1005 N Abbe Rd. Elyria, OH 44035	Sept. 28   6-8 p.m.
Cincinnati	Cincinnati-Hamilton County Community Action Agency Gwen L. Robinson Conference Hall 1740 Langdon Farm Rd. Cincinnati, OH 45237	Sept. 29   5:30-7:30 p.m.
Cambridge	Zane State College EPIC Center 9900 Brick Church Rd. Cambridge, OH 43725	Oct. 5   6-8 p.m.
Portsmouth Area	South Central Ohio ESC 522 Glenwood Ave. New Boston, OH 45662	Oct. 6   6-8 p.m.

The facilitated conversations yielded rich feedback specific to standards and assessments, accountability, educator effectiveness, and school improvement and student supports. A discussion guide and a detailed report of stakeholder feedback from these meetings can be found in Appendix D.

From late July to September 2016, the Department hosted a series of interactive webinars that engaged approximately 3,100 participants. The webinars were organized to address a specific topic and gather even deeper participant feedback. Webinar topics included: determining minimum subgroup (or "N" size) for reporting student performance; using nationally recognized high school assessments; discussing report card indicators, ratings and disaggregation requirements; transitioning away from the highly qualified teacher requirement; using the State Equity Plan to guarantee equitable access; addressing the learning needs of students who are homeless; providing an overview of the school improvement process; discussing the academic content standards' review process; and understanding federal funding options and flexibilities.

In August 2016, the Department deployed an online English/Spanish survey to gather even more input. Nearly 11,000 Ohioans responded to a targeted set of ESSA-related questions.

**Phase 3: Direct engagement of the Ohio General Assembly Joint Education Oversight Committee and State Board of Education (late 2016 – January 2017)** The Department specifically engaged the Joint Education Oversight Committee (JEOC), which is comprised of five members each from the Ohio Senate and Ohio House of Representatives.

The State Board of Education, through full board presentations and specific committee discussions engaged on many elements of Ohio's ESSA related work. More information on State Board engagement is summarized in the table below.

<b>January 11, 2016:</b>	<ul style="list-style-type: none"> <li>Update on ESSA presented during Superintendent's Report to the full board.</li> </ul>
<b>February 8-9, 2016:</b>	<ul style="list-style-type: none"> <li>ESSA discussions in Achievement, Capacity, Accountability, and Urban &amp; Rural Committees.</li> <li>Update on ESSA presented during Superintendent's Report to the full board.</li> </ul>
<b>March 7, 2016:</b>	<ul style="list-style-type: none"> <li>ESSA discussion in Accountability Committee.</li> <li>Update on ESSA presented during Superintendent's Report to the full board.</li> </ul>
<b>April 11, 2016:</b>	<ul style="list-style-type: none"> <li>Chronic Absenteeism discussion in Urban &amp; Rural Committee</li> <li>Update on ESSA presented during Superintendent's Report to the full board.</li> </ul>
<b>May 11, 2016:</b>	<ul style="list-style-type: none"> <li>21<sup>st</sup> Century Learning discussion in Urban &amp; Rural Committee.</li> </ul>
<b>June 13, 2016:</b>	<ul style="list-style-type: none"> <li>Students in foster care, students who are homeless, and the McKinney-Vento Act discussed in Urban &amp; Rural Committee.</li> <li>Update on ESSA was held during Superintendent's Report.</li> </ul>
<b>July 11, 2016:</b>	<ul style="list-style-type: none"> <li>English learners and migrant student discussion in Urban &amp; Rural Committee.</li> <li>Update on ESSA presented during Superintendent's Report to the full board.</li> </ul>
<b>September 12, 2016:</b>	<ul style="list-style-type: none"> <li>Military dependent discussion in Urban &amp; Rural Committee.</li> </ul>
<b>October 17, 2016:</b>	<ul style="list-style-type: none"> <li>21<sup>st</sup> Century Learning Center Grants discussed in Urban &amp; Rural Committee.</li> </ul>

**November 14, 2016:**

- Wrap-Around Services and engagement strategies discussed in Urban & Rural Committee.
- ESSA stakeholder summary presentation by Philanthropy Ohio and Department staff to the full board.

**December 12, 2016:**

- Adjudicated youth discussion in Urban & Rural Committee.

- ii. Took into account the input obtained through consultation and public comment. The response must include both how the SEA addressed the concerns and issues raised through consultation and public comment and any changes the SEA made as a result of consultation and public comment for all components of the consolidated state plan.

The Department released a Draft Overview of Ohio's State Plan for The Every Student Succeeds (ESSA) Act on January 19, 2017. This overview document outlined the intentional process Ohio pursued to engage critical stakeholders in the development of its draft ESSA state plan; communicated the state's timeline for releasing, receiving comments, revising and submitting the draft state plan; and highlighted the significant policies contained in the draft. The document clearly explained how stakeholder feedback informed the state's proposal under ESSA. The table below outlines key ESSA requirements and our proposed response based on stakeholder feedback. Additional details can be found in our Draft Overview document in Appendix D.

ESSA requirement	Changes proposed based on stakeholder feedback
<b>ACADEMIC CONTENT STANDARDS</b>	
<ul style="list-style-type: none"> <li>• Adopt challenging academic content standards that align to credit-bearing coursework in the state's public education system and relevant career-technical standards</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting an ongoing process to review and revise Ohio's Learning Standards by teams of Ohio Educators</li> </ul>
<b>TESTING</b>	
<ul style="list-style-type: none"> <li>• Annually administer state tests in reading and mathematics in grades 3-8 and once during high school, as well as science assessments in selected grade bands</li> </ul>	<ul style="list-style-type: none"> <li>• Identify opportunities to further reduce time devoted to state assessments; align approval of assessments to highlight assessments that are approved for more than one purpose to help districts reduce local testing; potential reduction to local testing as a result to revisions to the Ohio Teacher Evaluation System (OTES)</li> <li>• Provide stability by maintaining the current state testing system.</li> <li>• Explore innovative improvements (such computer adaptive testing)</li> <li>• Investigate alignment between existing competency-based work by districts, state assessments and district selected assessments</li> </ul>
<b>ACCOUNTABILITY</b>	
<ul style="list-style-type: none"> <li>• Establish long-term and interim goals of achievement for all students and each student subgroup;</li> <li>• Develop and implement an accountability system that "meaningfully differentiates" school performance annually. Accountability measures must include academic achievement, graduation rate, an additional achievement measure that may be a growth measure, performance of student subgroups, achievement of</li> </ul>	<ul style="list-style-type: none"> <li>• Provide stability in measures</li> <li>• Address educators' feedback on opportunities for improvement of Report Card measures</li> <li>• Integrate greater emphasis on growth into gap-closing measure and address concerns regarding K-3 Literacy Improvement measure</li> <li>• Investigate and pilot additional measures of school quality such as student engagement and climate</li> </ul>

English language learners and additional measures of school quality, such as students' access to rigorous coursework, school climate and absenteeism rates	surveys
<b>SCHOOL IMPROVEMENT</b>	
<ul style="list-style-type: none"> <li>• Use accountability systems to identify schools and districts in need of comprehensive support, as well as those in need of targeted support due to one or more persistently underperforming subgroups of students</li> <li>• Provide support for schools and districts identified as needing comprehensive and targeted support</li> </ul>	<ul style="list-style-type: none"> <li>• Implement an evidence-based framework with significant local decision making</li> <li>• Ongoing educator involvement in the implementation of the Ohio Clearinghouse of Evidence-Based Strategies</li> <li>• Place a coherent focus on the needs of students, families and communities by coordinating the need for integrating student supports.</li> <li>• Strengthening partnerships with other state and local agencies to coordinate expanded school-based health and mental health services</li> </ul>
<b>EDUCATOR EFFECTIVENESS</b>	
<ul style="list-style-type: none"> <li>• Implement plans that ensure equitable access to effective teachers for poor and minority students</li> <li>• No longer requires HQT or evaluations linked to student growth</li> <li>• Establish strategies for equitable access to effective teachers that align and support human capital management</li> </ul>	<ul style="list-style-type: none"> <li>• Review Ohio's educator effectiveness system through recommendations of the Educator Standards Board (plan to be developed separately from the state ESSA template)</li> </ul>

The summary was the beginning of a conversation with stakeholders about what we heard over 13 months of engagement and the specific path we charted based on that input. Public comment was accepted to both this document and our full state plan.

- B. Governor's consultation.** Describe how the SEA consulted in a timely and meaningful manner with the Governor consistent with section 8540 of the ESEA, including whether officials from the SEA and the Governor's office met during the development of this plan and prior to the submission of this plan.

The Department engaged regularly, by phone and through in-person meetings, with the office of Governor John Kasich. Since January 2016, meetings with the Governor's office staff included broad ESSA-focused conversations and targeted ESSA-related decisions points.

Drafts of Ohio's Summary and the full State Plan have been shared with the Governor's staff for feedback.

Date SEA provided the plan to the Governor: [Click here to enter a date.](#)

Check one:

- ☐ The Governor signed this consolidated State plan.  
☐ The Governor did not sign this consolidated State plan.

## 2.2 System of Performance Management.

*Instructions: In the text boxes below, each SEA must describe consistent with 34 C.F.R. § 299.15 (b) its system of performance management of SEA and LEA plans across all programs included in this consolidated State plan. The*

*description of an SEA's system of performance management must include information on the SEA's review and approval of LEA plans, monitoring, continuous improvement, and technical assistance across the components of the consolidated State plan.*

- A. Review and Approval of LEA Plans.** Describe the SEA's process for supporting the development, review, and approval of LEA plans in accordance with statutory and regulatory requirements. The description should include a discussion of how the SEA will determine if LEA activities align with: 1) the specific needs of the LEA, and 2) the SEA's consolidated State plan.

Ohio will be emphasizing the improvement aspects of local plans rather than just the compliance perspective. Accordingly, some systems (such as the CCIP) will be updated to be more efficient. For example, stakeholders noted that they may be required to make numerous "improvement plans" to meet current improvement requirements (e.g. Ohio Improvement Plan, District Reading Improvement Plan). A more strategic approach would require a single, comprehensive improvement plan. State systems, such as planning and application tools, should encourage that approach. Grants and funding sources should align with those comprehensive plans to allow for common goals, objectives and measures. Ohio will update systems to build on this approach, as well as the supporting materials including trainings and webinars for reviews for stakeholders.

**Local ESSA Plans.** The Department employs a teamwork approach to performance management for implementation local plans. An essential component of the state's performance management system is the Office of Federal Programs (OFP) consultant (education program specialist) assigned to every district to provide technical assistance and training for ESSA law requirements and compliance. The Office of Innovation and Improvement (OII) provides field support and training regarding the quality of the program implementation. Depending on the needs of the district, the support team for the district includes 1 OFP consultant, an assigned transformation specialist, and other consultants across program areas. The team reviews and approves the district's improvement and ESSA implementation plans and their application for federal funds. This teamwork approach across office program areas allows for a coordinated review to ensure compliance with and quality of plans and the alignment to state and district priorities.

**Educator Equity Plans.** Local equitable access plans will be submitted through the CCIP system/Decision Framework on an annual basis. Districts will receive an Equitable Access Analysis Tool on an annual basis that is populated with their equity data from the previous year to help guide their planning. Once plans are submitted in the system, they will be reviewed in partnership with the Office of Educator Effectiveness and the Office of Federal Programs using a rubric that will help provide technical assistance for improvement. The Department will utilize district planning information so that we can continue to align state support and resources to address districts equitable access needs.

- B. Monitoring.** Describe the SEA's plan to monitor SEA and LEA implementation of the included programs to ensure compliance with statutory and regulatory requirements. This description must include how the SEA will collect and use data and information which may include input from stakeholders and data collected and reported on State and LEA report cards (under section 1111(h) of the ESEA and applicable regulations), to assess the quality of SEA and LEA implementation of strategies and progress toward meeting the desired program outcomes.

Ohio's diversity of communities, schools and students requires a multi-level system of monitoring that provides support and oversight. A critical piece of Ohio's aligned, evidence-based system is the Department's system of monitoring that ensures adherence to state and federal statutes while supporting continuous improvement across the entire PK-12 education system.

The Department utilizes a cross-agency Monitoring and Review Team. The committee is comprised of various financial and programmatic monitoring offices within the Department. The team concept provides intra-agency communication and cooperation necessary for required financial and programmatic monitoring.

To facilitate data collection related to specific grant programs, Ohio uses its Comprehensive Continuous Improvement Plan or CCIP. The CCIP is a unified grants application and verification system that consists of two parts: the Planning Tool and the Funding Application.

The Planning Tool contains the goals, strategies, action steps and district goal amounts for all grants in the CCIP. The Funding Application contains the budget, budget details, nonpublic equitable services and other related pages. The Funding Application serves as the first monitoring piece as each application goes through a two-tier review process to ensure fiscal compliance with regulatory and statutory requirements.

*Compliance Monitoring for Federal Funds.* The Office of Federal Programs divides all LEAs in Ohio receiving federal grants into three tiers based upon a risk factor analysis and monitors them each year. (Ohio is scheduled to review and update risk factors during the 2017-2018 school year.) Every Ohio LEA, including community schools, are selected for either a desk audit or an on-site review, or are required to complete and submit the Consolidated ESEA Grants Self Survey. Approximately 10% of all LEAs are selected for either a Federal Programs desk or on-site review.

*Federal Programs Desk Review.* Each school year the Office of Federal Programs selects approximately 8% of the LEAs for additional monitoring. Arrangements are made jointly by the LEA and the Office of Federal Programs for the desk review. Federal Programs requests specific documentation that is uploaded by the LEA into the Department's compliance system. Consultants from the Office of Federal Programs review all documentation. If the review determines that the LEA is fully compliant, then a consultant indicates the status within the compliance system. If there are noncompliance findings, then the LEA must submit a Corrective Action Plan in writing to the Department for review, resolution and acceptance.

*Federal Programs Onsite Review.* The Office of Federal Programs annually selects approximately 2% of the LEAs for on-site review. Similar to the desk review, the LEA uploads requested documentation into the compliance system. A cross-agency team led by an Office of Federal Programs consultant visits the LEA's central office and Title I-served schools, as well as nonpublic schools and neglected and/or delinquent institutions. The team reviews documentation to verify compliance with requirements outlined in the compliance system. After the visit to the LEA, a Federal Programs consultant finalizes the review and shares areas of compliance or noncompliance with the LEA. If there are noncompliance findings, the LEA must submit a Corrective Action Plan in writing to the Department for review, resolution and acceptance.

All of the following programs are part of the Department's system of compliance and performance monitoring:

- Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies
- Title I, Part C: Education of Migratory Children
- Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: Language Instruction for English Learners and Immigrant Students
- Title IV, Part B: 21st Century Community Learning Centers
- Title V, Part B, Subpart 2: Rural and Low-Income School Program
- Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act): Education for Homeless Children and Youths Program

Ohio is in the process of adding Title IV, Part A: Student Support and Academic Enrichment Grants to the existing cross-agency review process.



*Comprehensive Consolidated Competitive Grants System.* Building on work completed in recent years, Ohio will move toward a comprehensive, consolidated competitive grant application system. During the 2017-2018 school year, Ohio will design and begin building such a system to align all competitive grant programs to the priorities of the state's ESSA plan. During the 2018-2019 school year, the comprehensive consolidated competitive grant system will provide eligible grantees with a single application from which to select both federal and state competitive grant opportunities. The single application will allow LEAs to align grant application goals to local needs assessments and improvement plans. This comprehensive system will streamline the competitive grant process, facilitate alignment at the LEA level and provide additional tools to aid performance monitoring by the Department.

*Programmatic Performance Monitoring.* Ohio enjoys a reputation for operating one of the more comprehensive primary and secondary education data systems in the country. Originally established in 1989, the Education Management Information System or EMIS is the statewide data-collection system for Ohio's primary and secondary education system. It provides the architecture and standards for reporting data to the Department. Staff, student, district/building, accountability and financial data are collected through this system. Staff data include demographic, attendance and course information. Demographic, student attributes, attendance, program, course, and test data are submitted to the Department at the student level. General school district and school building data, including financial data, are also reported through EMIS.

Analysis of data collected in EMIS to support program implementation and improvement is conducted by the Department's Office of Research and Policy Analysis and the Center for Accountability, Improvement and Innovation.

Additional programmatic data is collected by offices within the Department.

The Center for Curriculum and Assessment supports implementation of Ohio's Learning Standards by:

- Conducting ongoing program of outreach, engagement and dissemination of information;
- Demonstrating alignment between previous and revised standards;
- Ensuring accessibility for all students;
- Providing professional development and supports for teachers and administrators;
- Integrating revisions into assessments; and
- Infusing integration of standards into teacher and principal preparation programs;

Ohio will continue to use the support structure developed within our differentiated system of accountability and improvement requirements to ensure that high-need districts receive supports provided by the Office of Improvement and Innovation. Implementation plan activities related to Ohio's Learning Standards are monitored through Ohio's State Support Team (SST) structure to ensure fidelity of implementation and support for schools and districts. In addition to data collected through the CCIP, the Center for Curriculum and Assessment also utilizes survey results and information provided through school and district review process.

Responsible for administration of aligned, high-quality assessments, the Center for Curriculum and Assessment works with testing vendors to analyze preliminary results and issues. Additional work is done in conjunction with Ohio's Technical Advisory Committee (TAC.) A team of highly credentialed experts in assessment, methodology and educational measurement, Ohio's TAC meets regularly to ensure that the system of assessments remains reliable and valid.

The Center for the Teaching Profession collects and analyzes additional data related to implementation of Ohio's plan to ensure that all students have equitable access to effective teachers and principals. Evaluation ratings, experience levels, out-of-field teaching assignments, teacher qualifications, and workforce shortages are all collected and analyzed by the Ohio Education Research Center (OERC). This research center has partnered with the Department on Research for several years.

To ensure improved support services and outcomes for vulnerable students, the Department is in the process of adding programmatic staff to Office of Improvement and Innovation. Positions to support students involved in the justice system and a rural education liaison will join the recently hired foster care liaison and the Department's homeless liaison.

To ensure that LEAs are making proper increases in academic performance, ODE will require LEAs that are not making sufficient performance to resubmit their plans for review as described in 2.2A.

**C. Continuous Improvement.** Describe the SEA's plan to continuously improve SEA and LEA plans and implementation. This description must include how the SEA will collect and use data and information which may include input from stakeholders and data collected and reported on State and LEA report cards (under section 1111(h) of the ESEA and applicable regulations), to assess the quality of SEA and LEA implementation of strategies and progress toward meeting the desired program outcomes.

Ohio's regional system of support will involve a collaborative effort and multi-tiered level of support from the Education Service Centers, the regional State Support Teams and the Information Technology Centers. This system of support will collaboratively engage districts in a continuous improvement process for instructional practice, leading to higher achievement specifically for any subgroup or vulnerable youth population as well as all students. These supports are detailed in Section 4.3.

A Multi-tiered System of Supports is the term used to describe the comprehensive framework that focuses on leadership, professional development, and an empowering culture that district and school teams develop and operationalize to provide supports for every child to be successful, including the processes and tools used to make data-based decisions. It is a coherent continuum of evidence based, system-wide practices to support a rapid response to academic, as well as the social, emotional, and behavioral development of children from early childhood to graduation, with frequent data-based monitoring for instructional decision-making to empower each student to achieve high standards.

The regional state support teams will offer support to district and buildings which have been identified in need of support as outlined in our identification process for districts and buildings. The support will be multi-tiered based on where the district and building currently is in relation to what efforts they need to implement to move forward. The regional state support teams will provide tiered support for the Ohio Improvement Process (OIP) framework, including needs analysis, data interpretation, narrow focus to help districts build one integrated, focused plan that responds to the most critical needs, and leveraged resources to achieve lasting success.

The Ohio Improvement Process is Ohio's strategy for implementing a unified state system of support directly focused on building the capacity of districts and schools to improve the academic achievement of all students and student groups.

The OIP involves four stages, across which processes, structures, tools and people are connected all with the intent of helping districts:

1. Use data to identify areas of greatest need;
2. Develop a focused plan with a limited number of goals and strategies targeted at instructional practice and student performance;

3. Implement and monitor; and
4. Evaluate the effectiveness of the improvement process in changing instructional practice and student performance.

The OIP is also Ohio's foundation for establishing a common, consistent vocabulary and set of protocols for use by Ohio's more than 450 regional providers from educational service centers (ESCs) and state support teams (SSTs) in facilitating and supporting the improvement efforts of districts, schools, and community schools around the state.

The Ohio Clearinghouse will provide evidence-based strategies that the district and buildings will select, identify in their plan, and begin to implement. The regional state support teams will provide coaching support around the implementation of the Ohio Improvement process framework and structures, and focus on leadership, data interpretation and planning and continuous monitoring of identified measures for adult implementation of any evidence-based strategy selected. Support will include identifying student outcomes measures.

The Education Service Centers can provide multi-tiered support to districts such as curriculum alignment; content standards development and alignment; assessment literacy; various evidence based strategies; support with data analysis and data tool application; community/family engagement, and culture and climate..

The Office of Educator Effectiveness will collect and review district Educator Equity plans to determine how to better improve the equitable access planning system and the support given to districts. It will be a continuous feedback cycle between the Department and districts to provide support and make necessary improvements to the planning process.

**D. Differentiated Technical Assistance.** Describe the SEA's plan to provide differentiated technical assistance to LEAs and schools to support effective implementation of SEA, LEA, and other subgrantee strategies.

Ohio has a differentiated system of technical assistance based on the district continuum supports. This system includes strategic partnerships including SSTs, ESCs, and ITCs. These details outlined in Section 4.3

### Section 3: Academic Assessments

**Instructions:** As applicable, provide the information regarding a State's academic assessments in the text boxes below.

- A. Advanced Mathematics Coursework.** Does the State: 1) administer end-of-course mathematics assessments to high school students in order to meet the requirements under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA; and 2) use the exception for students in eighth grade to take such assessments under section 1111(b)(2)(C) of the ESEA?

☒ Yes. If yes, describe the SEA's strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school consistent with section 1111(b)(2)(C) and 34 C.F.R. § 200.5(b)(4).

☐ No.

Ohio administers High School End-of-Course tests in four content areas: English Language Arts, mathematics (algebra I, geometry, integrated mathematics I, integrated mathematics II), science and social studies. The Department completed the transition from the existing Ohio Achievement Assessments (OAA) and the Ohio Graduation Tests (OGT) to Ohio's new high-quality assessments for mathematics, English language arts, science and social studies in 2015-16.

All schools in Ohio have local control to provide any of these courses to their students for high school credit as long as certain conditions are met. The course curriculum for middle school students must be the same as the high school requirements, and it must be taught by a teacher certified to teach that level of content. With these conditions each school has the ability to offer their students high school-level courses. To further provide opportunities for students, Ohio also has credit flexibility options and college credit plus options for students to do advanced work.

Ohio's accountability system includes strong incentives for districts to provide all students with the opportunity to be prepared for and to take advanced coursework across all academic content areas in middle school. As is explained below in Section "4A - Indicators," HB 555 created incentives for districts to identify and serve their top-performing students with a formal, written acceleration plan (WAP). If a student on a WAP takes an assessment above their normal grade level, the student's score counts one performance level higher on the Performance Index Score than what the student actually scores. For example, if a student skips a year of math and takes algebra I as an 8th grader and scores "accelerated" on the algebra I assessment, the score is counted as "advanced" when calculating the Performance Index score.

In addition, Ohio is one of the only states in the nation to rate schools and districts on the performance of and opportunities provided to its gifted students. The "gifted indicator," also described more fully in Section "4A-Indicators," includes gifted inputs as part of the calculation. Ohio has seven different categories of gifted students, and schools and districts earn points based on the percentage of students identified and served in the different categories. Moreover, the calculation provides an incentive to identify and serve traditionally under-represented populations (racial/ethnic minorities and economically disadvantaged students) by awarding bonus points if a certain identification and service threshold is reached.

To ensure that students are not identified in error, or simply to help a district do well on its gifted inputs, Ohio developed an objective definition that must be met as a condition for a student to be identified as gifted. For example, to be labeled superior cognitive or specific academic gifted, a student must either score two standard deviations above the mean on an approved standardized assessment, must perform at the 95th percentile on a nationally normed assessment or must attain an approved score on an above-grade-level assessment. To be deemed creative thinking gifted or gifted in the area of visual or performing arts, a student must demonstrate superior abilities through a combination of standardized assessments and a portfolio of work.

As part of Ohio's ESEA flexibility waiver, the state requested and was granted very broad waiver authority that allowed any student in middle school to take a high school end-of-course assessment in any subject, not just mathematics, when the student was enrolled in the corresponding course. This waiver allowed the Department and Ohio's local education agencies to ensure that students were assessed on the curriculum that was fully aligned to their instruction. Ohio's approved waiver addressed all situations where accelerated students were taking high school courses before entering ninth grade.

As part of its state plan, Ohio is requesting to continue with its current practice as a way to ensure that districts continue to have incentives to properly serve all students with advanced coursework, and also to ensure that students will be assessed on the appropriately aligned curriculum. It is Ohio's policy intent that all students should have access to a rigorous and relevant curriculum with fully aligned assessments, and that students taking advanced classwork will be required to participate in the aligned assessments. This waiver created incentives to let students take advanced coursework in middle school by relieving students and districts of the burden of preparing for multiple assessments.

Alignment of coursework and testing across all academic content areas is important because Ohio implemented a new system of graduation requirements that includes seven end-of-course tests at the high school level beginning with the graduating Class of 2018. These tests are critical components of Ohio's accountability system. Many local education agencies are offering advanced coursework to students in all academic content areas, and they increased their efforts in recent years because Ohio had been granted the waiver from double testing.

Actual course and test records from the 2014-2015 and 2015-2016 school years indicate that Algebra I is the high school course most frequently taken by students below the ninth grade. Over 32,000 middle school students took this course in each of the last two years and almost 90 percent of those students took the course one year early while in the eighth grade. Other high school courses are much less likely to be taken by students prior to entering the ninth grade, but it does happen and Ohio would like to continue to allow such students to be exempt from double testing. In each of the last two school years, between 1,600 and 1,800 students took a high school English language arts course while in middle school, with almost 96% of them taking Integrated English Language Arts I as eighth-graders. Fewer than 2,500 middle school students took a high school integrated math course in each of the last two years and between 3,500 and 4,000 students took geometry each of the last two years while in middle school. The data are equally limited when looking at science courses with small numbers of students taking high school level biology in a grade below nine. In summary, vast majority of middle school students who take advanced coursework do so one year early as eighth graders and will be able to meet federal testing regulations that require students to be tested once in ELA, math and science while in high school.

As part of this proposal, the state will ensure that any district may offer high school courses to advanced middle school students as long as the course content is aligned and it is taught by an appropriately licensed teacher. Moreover, this data will be reported for relevant federal accountability purposes and will be integrated into Ohio's state A-F Report Card according to the provisions outlined in the accountability sections of this state plan. Ohio will continue to calculate participation rates for these students. In the case of an eighth grader enrolled in an Algebra I course, that student will be expected to participate in the Algebra I assessment and will be reported as part of the middle school's participation rate data. That 'math' assessment also will be included in the middle school's Gap Closing calculation and will count for all other aspects of the report card (indicators, Performance Index, and value-added). Ohio will comply with all other ESEA reporting and accountability requirements using the appropriate assessment based on the course taken by each student.

The state recognizes that a very small number of students may take all end-of-course tests in a particular content area prior to entering high school. Actual test data indicates that fewer than 4,000 students complete end-of-course testing in one or more academic content areas while in middle school. Ohio will address the requirement to test students once during high school in ELA, math and science as follows: Ohio implemented college- and career-readiness assessments for all students using the ACT and SAT starting in the 2015-16 school year. Students are required to participate in these assessments in the spring of their eleventh grade year. The results of these assessments (a remediation free benchmark) will be included in graded Prepared for Success measure, described more fully in Section "4A-Indicators," which is Ohio's College and Career Readiness measure on district and school report cards. Additionally, any student who has taken both the Algebra I/Integrated Math I and Geometry/Integrated Math II tests, or the ELA I and ELA II tests or the Biology test in middle school will be required to use the College and Career Readiness Assessment as the federal accountability measure in the year the assessment is given.

Similar to other states, such as North Carolina, that previously received federal approval to use the ACT assessment as the high school accountability measure, Ohio will create an equivalent proficiency determination that will be reported for students who have completed any respective set of content area end-of-course tests while in middle school. Such students will be included in the AMO participation rate calculation using the ELA and math sections of the college-readiness test. The various sections also will be used to fulfill the requirement to include all students in the high school's Gap Closing calculation, and those scores will count for all other aspects of the report card (indicators met, performance index score, and value-added).

Ohio will comply with all other ESSA reporting and accountability requirements using the appropriate assessment based on the courses taken by each student.

**B. Languages other than English.** Describe how the SEA is complying with the requirements in section 1111(b)(2)(F) of the ESEA and 34 C.F.R. § 200.6(f) in languages other than English.

- i. Provide the SEA's definition for "languages other than English that are present to a significant extent in the participating student population," consistent with 34 C.F.R. § 200.6(f)(4), and identify the specific languages that meet that definition.

Ohio defines significant languages other than English as those that include at least 20% of the state's EL student population. Spanish has been identified as meeting this definition. Somali, Arabic, and Chinese currently include approximately 5% each of the state's languages other than English present in the EL school population.

- ii. Identify any existing assessments in languages other than English, and specify for which grades and content areas those assessments are available.

The Ohio Department of Education does not permit the English language arts tests to be administered in any language other than English except in very specific situations for students with disabilities at all grade levels. The Department currently offers the mathematics, science and social studies assessments in Spanish for grades 3 – 8 and high school. In addition, the district is required to provide translators for those languages other than English and Spanish. The Department provides reimbursement to the district for the translation services. Information on translators is provided in the Ohio's State Tests Rules Book and the Ohio's Accessibility Manual.

- iii. Indicate the languages other than English identified in B.i. above for which yearly student academic assessments are not available and are needed.

Ohio has 81 spoken languages other than English; a full list can be found in Appendix E. However, the top requested languages in addition to Spanish are Somali, Arabic and Chinese.

- iv. Describe how the SEA will make every effort to develop assessments, at a minimum, in languages other than English that are present to a significant extent in the participating student population by providing:

1. The state's plan and timeline for developing such assessments, including a description of how it met the requirements of 34 C.F.R. § 200.6(f)(4);

In previous years, the Department has provided the state assessments in multiple languages other than English (at times, nine languages other than English). The tests were translated and provided on CDs as a way to standardize the translation. The Department determined that this was not cost-efficient as many of the CDs were returned unopened, or the test was translated into a dialect not used by students (even though surveys had been conducted to determine the appropriate dialect). Due to these obstacles, the Department determined it was more cost efficient to reimburse for translation services provided by the districts.

Discussion is ongoing to determine cost-efficient processes to provide the state assessments in languages other than English that will be acceptable and appropriate for Ohio's students, parents, community, stakeholders and LEAs.

The Ohio Department of Education has contracted with the American Institutes for Research (AIR) to provide the state tests mathematics, science, and social studies in Spanish. AIR continues to work

with Ohio to determine new technologies to provide the tests in Spanish and additional languages as Ohio moves to online testing. The state plans to be fully online except for paper accommodated forms for students unable to test online by 2018-19, which is our goal for using technology to provide the needed translations.

**2. A description of the process the state used to gather meaningful input on the need for assessments in languages other than English, collect and respond to public comment, and consult with educators; parents and families of English learners; students, as appropriate; and other stakeholders; and**

The need for assessments in languages other than English comes directly from the field via requests for translations and interpreters of the state assessments. The total number of students speaking the 81 languages other than English in Ohio is collected by the Department to assist the districts in locating the translators required for the state test translations.

The Department also receives formal and informal input on the need for assessments in languages other than English through individuals seeking technical assistance, staff across its offices, professionals across the regional Educational Service Centers, and communications with coordinators, teachers, and community members within districts with English learners.

The Department engages with members of community groups that include the Commission on Hispanic/Latino Affairs, the Coalition for Parents of Students with Disabilities, English Language Learner Advisory Committees, and the Ohio Education Association to gather meaningful data to determine the needs of the English learners.

The Lau Resource Center participates with the professional organization Ohio TESOL to gather feedback from the field through working sessions during the annual state TESOL conference. The need for assessments in languages other than English was highlighted in sessions at the conference by a group of educators who developed state guidance for the correlation between the English Language Proficiency Standards and the state tests.

The Lau Resource Center and Office of Federal Programs receives and records contacts with stakeholders in LEAs and 13 Title III Consortia who represent over 400 school districts.

**3. As applicable, an explanation of the reasons the state has not been able to complete the development of such assessments despite making every effort.**

Testing in Ohio has been in transition since the 2014-2015 school year. Due to the limited timeline to develop new state tests for the 2015-2016 school year, Ohio developed the state testing blueprints and contracted to use the AIRCore item bank to complete the blueprint in the first year. All tests administered in spring 2017 will represent Ohio-developed blueprints and items.

In addition to the testing transition, Ohio is moving from paper tests to online-delivered tests. During this transition, schools had the option of delivering the state tests either on paper or online, which has created a dual system the past two years. In 2014-2015, the delivery mechanism was approximately 60% online and 40% paper. In 2015-2016, this shifted to approximately 80% online and 20% paper. For 2016-2017, Ohio hopes to have between 90-95% of state tests delivered online as schools no longer have an option between the two and must display a need for paper tests due to

technology capacity limitations or student IEP needs. Because of these issues, the Department has continued to reimburse for translators as our best method for supporting students through this transition. As Ohio's testing system stabilizes, we will continue to explore all possible ways to meet the needs of our English learners and plan to incorporate solutions utilizing technology when the state is testing fully online in 2018-2019.

#### **Section 4: Accountability, Support, and Improvement for Schools**

*Instructions: Each SEA must describe its accountability, support, and improvement system consistent with 34 C.F.R. §§ 200.12-200.24 and section 1111(c) and (d) of the ESEA. Each SEA may include documentation (e.g., technical reports or supporting evidence) that demonstrates compliance with applicable statutory and regulatory requirements.*

##### **4.1 Accountability System.**

- A. **Indicators.** Describe the measure(s) included in each of the Academic Achievement, Academic Progress, Graduation Rate, Progress in Achieving English Language Proficiency, and School Quality or Student Success indicators and how those measures meet the requirements described in 34 C.F.R. § 200.14(a)-(b) and section 1111(c)(4)(B) of the ESEA.
- The description for each indicator should include how it is valid, reliable, and comparable across all LEAs in the State, as described in 34 C.F.R. § 200.14(c).
  - To meet the requirements described in 34 C.F.R. § 200.14(d), for the measures included within the indicators of Academic Progress and School Quality or Student Success measures, the description must also address how each measure within the indicators is supported by research that high performance or improvement on such measure is likely to increase student learning (e.g., grade point average, credit accumulation, performance in advanced coursework).
  - For measures within indicators of School Quality or Student Success that are unique to high school, the description must address how research shows that high performance or improvement on the indicator is likely to increase graduation rates, postsecondary enrollment, persistence, completion, or career readiness.
  - To meet the requirement in 34 C.F.R. § 200.14(e), the descriptions for the Academic Progress and School Quality or Student Success indicators must include a demonstration of how each measure aids in the meaningful differentiation of schools under 34 C.F.R. § 200.18 by demonstrating varied results across schools in the State.

In late 2011, the Department reached out to parents and other stakeholders to solicit feedback on Ohio's accountability system. At that time, schools and districts received a summative (overall) label such as *excellent*, *continuous improvement*, or *academic watch* to describe their level of performance. The stakeholder input, especially feedback from parents, was used to design a new accountability framework that moved away from the summative label, and instead issued A-F letter grades to provide greater transparency and clarity around the performance of each school or district.

Ohio began using the new letter-grade approach on the report cards issued for the 2012-2013 school year. The Department has received significant positive feedback indicating that this rating system is easy to understand and provides meaningful differentiation between schools at various performance levels.

The Department intends to continue using the A-F letter grade system, placing all schools and districts into one of five distinct categories, to fulfill the requirement to provide meaningful differentiation.

Ohio's accountability system assigns A-F letter grades for 10 measures. These 10 measures are rolled up to six components that are used to issue an overall, summative grade.



Note: One of Ohio's measures is *Indicators Met* which includes a series of indicators. The term *indicator* in Ohio's Report Card is used differently than in the ESSA requirements. See Appendix F for a user guide explaining Ohio's Report Card.

ESSA Indicator	Measure(s)	Description
i. Academic Achievement	There are two academic achievement measures: Performance Index and Indicators Met. (These two measures comprise the Achievement Component on the Report Card.)	See below (i)
ii. Academic Progress	Value-Added (EVAAS) for all students, as well as separate graded measures for students with disabilities, gifted students, and students in the lowest 20% of math and ELA achievement statewide. (These four measures comprise the Progress Component on the Report Card.)	See below (ii)
iii. Graduation Rate	Four-year and five-year cohort graduation rates (These two measures comprise the Graduation Component on the Report Card.)	See below (iii)
iv. Progress in Achieving English Language Proficiency	English Learner Progress towards Proficiency (This measure will be incorporated into the Gap Closing Component on the Report Card.)	See below (iv)
v. School Quality or Student Success	Student Engagement as measured by chronic absenteeism and school discipline for all grades (This measure will be incorporated into the Indicators Met measure, in the Achievement Component, on the Report Card.) Districts and high schools will have the <i>prepared for success</i> component as well.	See below (v)
vi. Gap Closing	Revised Gap Closing (This is the Gap Closing Component on the Report Card.)	See below (vi)
vii. Prepared for Success	At the high school level, the Prepared for Success college- and career-readiness measure will be graded and disaggregated. (This is a separate component on the Report Card.)	See below (vii)
viii. K-3 Literacy Improvement	K-3 Literacy Improvement (This is a separate component on the Report Card.)	See below (viii)

(i) Academic Achievement Description:

Achievement is one of the six components on the Report Card. Each year, children take state tests in math, English language arts, science and social studies to measure how well they are meeting the expectations of their grade levels. The tests match the content and skills that are taught in the classroom every day and measure real-world skills like critical thinking, problem solving and writing. The Achievement component of the report card represents the number of students who passed the state tests

and how well they performed on them. Ohio's Performance Index and Performance Indicator measures make up this component.

The Performance Index measure rewards the achievement of every student, not just those who score proficient or higher. Districts and schools earn points on the measure based on how well each student performs in all tested subjects in Grades 3-8 and on the state's end-of-course exams in English language arts I and II, algebra I, integrated math I, geometry and integrated math II. All tests have five performance levels – advanced, accelerated, proficient, basic and limited.

The percentage of students scoring at each performance level is calculated and then multiplied by the point value assigned to that performance level (Advanced=1.2; Accelerated=1.1; Proficient=1.0; Basic=0.6; Limited=0.3).

Additionally, the state legislation that created the A-F Report card also provided incentives for students who are on formal acceleration plans taking an assessment above their normal grade level. This law creates incentives for districts to identify and serve their highest performing students through the use of a formal written acceleration plan. The computation used to calculate Performance Index creates incentives for districts to focus on continuous improvement for all students as they work to move students towards higher categories of performance. These students' scores count one performance level higher on the Performance Index scale than what they actually score. An example of this is a fourth grade student who has a formal acceleration plan for math and takes the fifth grade math test. If that student scores in the proficient range, it is included in the percentage as an accelerated range test for the Performance Index calculation.

Beginning in 2015, an additional weight was created for this calculation to address cases where a student on a formal acceleration plan scores advanced on the assessment. In such situations, the test is placed in the advanced plus category and receives a weighted score of 1.3 in the Performance Index calculation.

Per state law and to comply with the participation requirements in ESSA, untested students are included in the calculation and are assigned a value of zero points for every percent of tests not taken.

The Performance Index is calculated by dividing the number of points earned by the maximum points possible (120 points represents a perfect Performance Index score). Letter-grades are assigned to the Performance Index measure in accordance with the table below. These grades provide a transparent method to show meaningful annual differentiation between schools and districts.

For example, Anytown School District had a Performance Index of 90 points. The calculation is  $(90/120) \times 100\% = 75\%$  of the total points possible = C grade.

Percentage of Possible Points	Letter Grade
90% - 100%	A
80% - 89.9%	B
70% - 79.9%	C
50% - 69.9%	D

<50%	F
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The Performance Indicator measure reports how many students have at least a minimum, or proficient, level of knowledge. The indicators are not new to Ohio students or teachers. They are based on a series of state tests that measure the level of achievement for each student in a grade and subject. All state tests in all grades and subjects are included in this measure.

For each test indicator in 2016-17 and beyond, it is required that at least 80 percent of students score proficient or higher to get credit for the corresponding indicator. Ohio refers to this as *meeting* the indicator.

#### Retake Indicator

Based on stakeholder feedback, especially from high school principals, Ohio proposes to add a "re-take indicator" as part of the Indicators Met measure. Students through the graduating Class of 2017 were required to pass Ohio's old five subject 10<sup>th</sup> grade Ohio Graduation Test (OGT) as a condition to graduate. Beginning with the graduating Class of 2018, students earn points on a series of seven end-of-course exams as a path to graduation. Points are earned based on the range of score as follows:

Advanced	5 graduation points
Accelerated	4 graduation points
Proficient	3 graduation points
Basic	2 graduation points
Limited	1 graduation point

If a student is deficient in points after taking a test for the first time, he or she can retake it sometime later in high school to try and earn additional points towards graduation.

The retaken assessments across all subjects are aggregated into one "retake indicator," which reports the percent of students who originally earned one or two points on a test, (i.e. -- those that did not meet the Proficient benchmark) who scored one or more levels higher on the retake.

So, for example, a student who had a first-time score of 1 point would be in the numerator for scoring 2 or higher on a retake. A student who scored 2 on his first attempt would need a 3 or higher to be in the numerator.

To *meet* the retake indicator, a minimum level of the students retaking a test must improve their score by one or more levels.

#### Indicator on Gifted Student Performance

Beginning with the Report Card for the 2014-15 school year, Ohio incorporated a new gifted indicator into the school report cards.

This indicator reflects the level of services provided to, and the performance of, students identified as gifted. State law requires the indicator to include the performance of students identified as gifted on

state assessments. The indicator also shall include a Value-Added growth measure disaggregated for students identified as gifted, which is discussed in the "Academic Progress" section of this plan.

The indicator, adopted by the Ohio's state board of education, includes three parts that are used to determine if the indicator is met or not met. These three parts include:

- **Gifted Progress:** The Gifted Value-Added grade from the Report Card will be the progress measure.
- **Gifted Performance:** The Gifted Performance Index, as originally calculated for the Gifted Rankings, will be the performance measure.
- **Gifted Inputs:** Gifted inputs will include gifted identification as a percentage of enrollment defined as Full Time Equivalent (FTE) Enrollment, and gifted service as a percentage of students identified as gifted.

A points system for the inputs includes the following categories:

- Identification and service for Superior Cognitive/Academic Subjects by grade at the school, and by grade bands K-3, 4-8, and 9-12, for districts.
- Identification and services for Visual & Performing Arts/Creative Thinking by grade bands K-3, 4-8, and 9-12, for districts only.
- Identification and service provided to students who are in racial/ethnic minority categories (federal definition).
- Identification and service provided to students who are economically disadvantaged.

Once the calculation is done to determine whether each indicator described above is met or not met, a letter grade is assigned for this measure based on the percent of possible indicators met. A to F letter grades provide an easy-to-understand rating that is meaningful to parents and community members in differentiating between high, middle and low performing schools and districts.

The table below outlines the scale.

Percentage of Possible Indicators Met	Letter Grade
90% - 100%	A
80% - 89.9%	B
70% - 79.9%	C
50% - 69.9%	D
<50%	F

After each measure grade is calculated, the two measures are combined into one Achievement Component grade with the Performance Index Score comprising 75% of the grade and the Indicators Met measure comprising 25% of the total grade. See Appendix F for details on how this calculation is done.

(ii) Academic Progress Description:

The Progress Component is the second Component on the Report Card. Not all children start out at the same place with their learning, but every student should learn and grow throughout the school year. The Progress component of the report card looks closely at the growth that all students are making based on their past performances. There are four Value-Added measures that comprise the Progress Component.

**Value-Added Measure:** While performance scores demonstrate achievement and a student's level of proficiency, Ohio's Value-Added calculation measures the impact schools and teachers have on student growth.

Through 2014, value-added was calculated only for schools with students in any of grades 4-8 using the SAS® at EVAAS® model with the state's English language arts and mathematics tests. Individual subject gains were computed for ELA and mathematics, as well as a composite of the two subjects.

Ohio continued to use the SAS® at EVAAS® model for its Value-Added measure as the state transitioned to its the new assessments in 2015 and beyond, but additional grades and subjects are now included in the calculation.

Schools and districts are evaluated using the following test data:

Math	Grades 4-8
ELA	Grades 3-8
Science	Grade 5,8
Social Studies	Grade 6
Algebra I	
Geometry	
Integrated Math I	
Integrated Math II	
ELA I	
ELA II	

Through 2014, districts and schools were assigned a letter grade that represented a composite of up to three years of Value-Added data. (For more information, see Technical Documentation). As Ohio transitioned to its new state tests, this changed and only one year of data could be used to generate the grades.

However, as of the 2017-18 school year, Ohio will once again generate letter grades based on up to three years of data as available for each school and district. The advantage of this methodology is that it creates a more stable measure of gains because it uses multiple years of combined data (i.e. reduced variance).

Previously, Ohio periodically reset a base year that provided a basis for determining statewide improvement and set a benchmark for all districts.

As Ohio transitioned to the new state tests, the state moved to a *within year* approach that calculates whether students maintain the same relative position with respect to the statewide student achievement for that year.

Districts and schools are assigned a grade based on the Value-Added Growth Index score, which is the value, determined in EVAAS, that is computed by taking the Value-Added Gain and dividing it by the Standard Error measure.

The Value-Added Gain is a measure of magnitude of average gain. The Standard Error is a measure of precision of the computation. Thus the Value-Added Index combines both the magnitude and precision into one value that represents the level of certainty around whether the growth or lack of growth is "real."

The Index can be interpreted such that a value of "0" indicates "one year's growth in one year's time."

It is important to note that the letter grades issued for districts and schools are identical to the calculation and rating levels that Ohio calculates for student growth used for teacher and principal evaluations.

As noted, Ohio reports an individual grade/subject Value-Added index using all accountable students who are tested in ELA and mathematics in grades 4 through 8, and those who take end-of-course tests in those subjects, as well as science in grades 5 and 8, and social studies grade 6. Ohio also reports a composite grade for each building and district based on the combination of all the grades and subjects from those listed above.

For each district and building, Ohio also generates composite Value-Added grades for specific sub-populations whenever data are sufficient to make these computations. The sub-populations that have separate measures include:

- Students with disabilities;
- Students identified as gifted;
- Students whose current and prior year's test scores place them in the bottom 20% of the state in performance in ELA, mathematics, science or social studies; and
- Beginning with the 2017-18 school year, Ohio also will generate and report (but not grade), Value-Added measures for all federally required subgroups.

The four value-added measures are combined to produce one Progress component grade. The overall or *all students* measure is weighted at 55% of the total grade, while each of the three sub-groups comprise 15% each. In cases where a school or district does not have one or more subgroups, the weight from that missing subgroup is spread proportionally among the remaining groups. See Appendix F for details of this calculation.

Stakeholders did raise questions about the interpretation of current measures, particularly during times when the state experienced multiple test transitions. For example, stakeholders shared feedback regarding the grade scale which determines the A-F letter grade. We will also review the Progress component's grade scale and consider recommendations to simplify and improve understanding of the component.

(iii) Graduation Rate Description:

Graduation is the third component on the Report Card. All students should have the support and guidance they need to successfully graduate from high school prepared for college and career success. The Graduation Rate component of the report card looks at the percent of students who are successfully finishing high school with a diploma in four or five years.

Ohio implemented the four-year adjusted cohort longitudinal graduation rate as required by the U.S. Department of Education beginning with the report cards issued for the 2011-2012 school year. Per the nonregulatory guidance document issued on December 22, 2008 by the U.S. Department of Education, this rate includes only those students who earn a regular diploma or honors diploma within four years of entering the ninth grade for the first time.

Beginning with the 2012-13 report cards, graduation became a separate component in Ohio's accountability system. The component is comprised of two measures; the four-year adjusted-cohort longitudinal rate and a newer five-year adjusted-longitudinal rate. The five-year rate includes only those students who graduate with a regular diploma or honors diploma within five years of entering the ninth grade for the first time.

For the 2017-2018 school year and beyond, Ohio will continue to lag the reporting of the graduation rate by one year in order to include summer graduates. Thus, the four-year rate reported on the 2017-18 Report Cards represents data from the Class of 2017. Similarly, the five-year rate is lagged and the data reported in 2017-18 comes from the class of 2016.

The A-F grade scale for each graduation rate is shown below. Note that the five-year scale is higher to reflect that an additional year of data is being included. These scales provide meaningful differentiation between and among schools and districts.

4 Year Rate	5 Year Rate	Letter Grade
93% - 100%	95% - 100%	A
89% - 92.9%	90% - 94.9%	B
84% - 88.9%	85% - 89.9%	C
79% - 83.9%	80% - 84.9%	D
<79%	<80%	F

The two measures are combined into one graduation component grade. In this calculation, the four-year rate is weighted at 60% of the total while the five-year rate counts for 40%. See Appendix F for details of this calculation.

It is important to note that Graduation also is included in the Gap Closing component (described below).

(iv) Progress in Achieving English Language Proficiency Description:

Ohio serves around 55,000 English learners who make up 3% of the total student population. Ohio's English learner student population speaks over 100 languages, with the top 5 native languages spoken being Spanish, Somali, Arabic, Chinese and Japanese. The EL student population has been increasing

by approximately 10% each year and nearly 80% of Ohio's EL students are located in large urban areas (Columbus, Cleveland and Cincinnati). About 50% of Ohio's districts serve at least one English learner. The measure of progress toward attaining English language proficiency will impact approximately 450 schools, using n=15 for accountable subgroups, in Ohio's accountability system.

Feedback received on Ohio's previous Annual Measurable Achievement Objectives (AMAO) for Title III District reports consistently pointed to unreachable achievement and attainment goals. The long-term state goals established will account for a student's initial performance level on the OELPA and their grade level upon identification as an English learner. In doing so, the long-term state goals establish high expectations for all English learners while acknowledging the varying needs of a diverse population. Patterns of progress associated with student characteristics will be used to develop continued guidance on ways to best support student's progress in school. The English language improvement measure will provide schools and districts multiple ways to demonstrate the improvements made by EL students. Ohio has worked to support the diverse English learner population across the state and shining a spotlight on this population will maintain a continued focus for improvement.

The Gap Closing component (see 4.1(A)(vi) below) of the report card incorporates school and district progress in achieving English language proficiency for students. This measure will take into account English learners who have attained Proficiency on the Ohio English Language Proficiency Assessment (OELPA), as well as English learners who are increasing their attainment of the English language based on improvement on the OELPA but who have not yet met proficiency. Points will be awarded based on English learners' performance and will contribute to the letter grade assigned to the Gap Closing component on the Report Card (described below).

The English language improvement measure will award points within the accountability system to schools and districts whose students' have met or exceeded the long-term state goal target percentage. (e.g. Anytown School has 100 English learners in 2016-2017 and 60% made the expected improvement in learning English which exceeds the state goal for 2016-2017). Schools and districts will also earn partial points in cases where their percent making progress did not meet the state target but improved from the prior year.

(v) School Quality or Student Success Description:

There is a significant body of research around student attendance and the impact of chronic absenteeism on academic performance. Virtually every study identified a strong relationship between student attendance and academic performance. The research found that chronic absenteeism, which is defined as missing at least 10 percent of the instructional days for any reason, (excused or unexcused absences), is one of the primary causes of low academic achievement. It also is one of the strongest predictors that can be used to identify students who eventually will drop out.

Ohio has reported chronic absenteeism data on its school and district report cards since the 2014-15 school year. Beginning in 2017-18, this measure will become one of the state's indicators of school quality and student success and will contribute to the Indicators Met letter grade.

Ohio's data for the 2015-16 school year shows that statewide, 15.8% of the students met the definition to be deemed chronically absent.

In the primary grades, chronic absenteeism was highest among the youngest students with 15.6% of Ohio's Kindergarten students labeled as being chronically absent in the 2015-16 school year.

When looking at longitudinal data, the percentages decline through elementary school, but begin to climb again as students approach middle school.



At the high school level, more than 20% of all students in grades 9-12 were chronically absent in the most recent school year. In a handful of districts, at least one out of every four students met the criteria to be deemed chronically absent.

Districts of all types have problems with chronic absenteeism, but it is most severe in Ohio's urban districts and those that are rural with a high percentage of students in poverty.

Data show the percentages vary among the state's racial subgroups with the African American, American Indian, Hispanic, and Multi-Racial subgroups having a much higher percentage of chronically absent students than the White and Asian subgroups.

Among other demographic subgroups, economically disadvantaged students have a chronic absenteeism rate that is more than two and a half times the rate of their nondisadvantaged peers, and disabled students have a rate that is 1.6 times the rate for nondisabled students. There are not significant differences in the chronic absenteeism rates between English Learners and native English speakers.

For the purpose of the chronic absenteeism indicator, a school or district will be deemed to "meet" the indicator if it either:

1. Meets the benchmark outlined in the table above; or,
2. Meets an improvement standard such as reducing the percent of students who are chronically absent by at least 3.0 percentage points from one year to the next (e.g. -- moving from 20% to 17% between 2018 and 2019).

In addition, Ohio will incorporate a "discipline check" into the calculation to ensure that districts are not using expulsion as a way to deal with truant students.

Twenty-nine Ohio districts reported expelling at least one student for truancy during the 2015-16 school year. During that school year, a total of 180 students were expelled across the state for truancy and they missed a total of 10,003 school days.

To ensure that districts do not expel truant students as a way to reduce their chronic absenteeism rate, the calculation will include a review of each school's or district's expulsion data. Districts or schools that otherwise would meet the indicator, but show a significant increase in their expulsion rate with the discipline reason listed as "truancy," will have their "met" demoted to "not met" for this indicator.

This measure will be incorporated into the Indicators Met measure, in the Achievement Component, on the Report Card.

(vi) Gap Closing Description:

Gap Closing is the fourth component on the Report Card. Ensuring success for every child means that schools must close the gaps that exist in the achievement of our students that may be based on income, race, ethnicity or disability. The Gap Closing component shows how well schools are meeting the performance expectations for our most vulnerable populations of students in English language arts, math and graduation, so that all of Ohio's students can be successful.

The Gap Closing component measures the academic performance of specific groups of students, such as racial and demographic groups, against the collective performance of all students in Ohio to determine if there are gaps in academic achievement and progress between groups of students. Ohio has made strides

over the years to reduce these gaps. However, much work still is needed to eliminate achievement gaps and bring all students up to the same high level of achievement.

Ohio's current gap closing component established state-level annual measurable objectives (AMOs) that all subgroups were expected to meet for ELA, math and graduation. Each subgroup was evaluated individually for each piece of the calculation. Actual proficiency and graduation rates were measured against the targets and up to 100 points were awarded for each subgroup based on whether the subgroup met the target or not. In cases where the subgroup fell short and did not meet the target, points could still be earned if the subgroup made progress (i.e. – the subgroup cut its gap) between the prior year and current year.

Beginning in 2017-2018, Ohio will revise its gap closing calculation to align more fully with the Performance Index Score, which is being used to fulfill the federal requirement on Academic Achievement. Ohio set 100 points out of a possible 120 points as the statewide long-term goal for all students on the Performance Index Score. The new gap closing calculation will use all ELA tests in grades 3-8 and the ELA I and ELA 2 end of course tests to calculate a Performance Index Score for each subgroup and to award weighted points for ELA based on the percent of tested students who fall into each of the six performance levels from Limited to Advanced Plus.

An identical calculation will use all math tests in grades 3-8 and the algebra I, geometry, integrated math I and integrated math II end-of-course tests to calculate a PI score and award weighted points for math based on the percent of tested students who fall into each of the six performance levels. High schools and districts also will be evaluated for graduation using the four-year graduation rate.

Ohio also will include the measure of progress in achieving English language proficiency into the Gap Closing component (more information below).

It is important to note that this new calculation evaluates not only whether each student group meets the established goals in reading, math, graduation rate and progress in achieving English language proficiency, but in cases where the goal is not met, the calculation takes into account the extent to which the gaps are increasing or decreasing. Changing from a straight proficiency calculation to a one that weights points based on proficiency level for ELA and math will make the calculation more sensitive to progress and will incentivize districts to work with students beyond the minimum level needed to reach the Proficient range.

Once the points earned by each subgroup are totaled and all weights applied, a preliminary score is assigned based on the percentage of points earned by the school or district with each subcomponent of ELA, math, graduation (if applicable) and EL Progress being weighted equally in the calculation.

Test participation remains a priority in the revised calculation. All subgroups continue to be expected to assess at least 95% of their students in each subgroup on the state's ELA and math assessments. Once the preliminary letter grade is issued, each of the 10 federally recognized subgroups with sufficient size is evaluated for participation in ELA and also in mathematics to determine if at least 95% of the subgroup took the required assessment. If even one subgroup fails to meet the 95% participation requirement, the final letter grade is reduced by one level.

In addition, a district or school cannot earn a final letter grade of A on the Gap Closure Component if any of their evaluated subgroups have a math or ELA Performance Index Score that is lower than 60 points in the current year, or if any of their evaluated subgroups have a graduation rate that is lower than

70.0%. This provision is both a reward and a consequence. Only those districts where the educational needs of all subgroups are being addressed and where all subgroups are working to reach the annual graduation rate target will be recognized with the letter grade A. Ohio is sending a clear message that *all* achievement and graduation rate gaps must be addressed, even if the gap is "only one small subgroup."

When applying the three criteria for which a letter grade demotion may be made, districts or schools are demoted due to participation, subgroup academic performance or graduation performance below the acceptable threshold only once. There are not multiple demotions. For example, Anytown School District has a subgroup test participation rate of 94% and its Students with Disabilities subgroup's reading percent proficient is 68%. Despite the fact that Anytown School District has met two criteria for which a demotion can be made, the final Gap Closure grade is demoted by just one letter grade.

The table below shows how the grades are assigned today. As this new calculation is implemented, Ohio's state board of education will review the grade scale to determine if modifications are needed.

AMO	Letter Grade
90% - 100%	A
80% - 89.9%	B
70% - 79.9%	C
60% - 69.9%	D
<60%	F

(vii) Prepared for Success Description:

Prepared for Success is the fifth component on the Report Card. It looks at how well prepared Ohio's students are for all future opportunities. Whether training in a technical field or preparing for work or college, the ultimate measure of a school's quality is the preparedness of its students once they leave. The Prepared for Success component uses multiple measures of college and career readiness to allow districts to showcase their unique approaches. For example, some school districts may focus on Advanced Placement courses taught in-house; while others will partner with local colleges and focus on dual enrollment credits as a way to stretch and enrich their students' course offerings.

Prepared for Success is a unique component. It contains six measures that do not receive a grade; they are only reported on the Report Card. However, the component is graded based on the percentage of students from a school or district's four-year and five-year combined graduation cohort who demonstrate college and career readiness. See Appendix F for details of this calculation.

These six measures include:

1. College Admission Test(s) (percent of students in the cohort receiving a non-remediation score on all parts of the ACT or SAT)
2. Dual Enrollment Credits (percent earning at least three transcribed college credits)
3. Industry Recognized Credentials (percent earning at least 12 points with an industry-recognized credential or bundle of credentials within one of 13 career pathways)

4. Honors Diplomas Awarded (*percent with an Honors Diploma*)
5. Advanced Placement (*percent scoring three or above on at least one AP test*)
6. International Baccalaureate Program (*percent scoring four or above on at least one IB test*)

When calculating which students are prepared for success, the measures are broken into two tiers. To be counted in the numerator, a student must either:

- Meet the remediation free score on all parts of the ACT or SAT;
- Earn an honors diploma;
- Earn an industry-recognized credential

Once a student meets one of the three conditions outlined above, he or she can earn a "bonus" weight of 0.3 points for the numerator by:

- Earning at least three dual enrollment credits;
- Scoring 3 or higher on at least one AP test;
- Scoring 4 or higher on at least one IB test

Stakeholders said that measuring college and career readiness matters, but they raised questions about the new measure on the report card. Ohio proposes to clarify the calculation of the Prepared for Success component so that it is based on the four-year cohort rather than the combined four- and five-year cohorts. Ohio will also consider how "access to advanced coursework" may be incorporated further into the report card as an additional indicator. Whether training in a technical field or preparing for work or college, the Prepared for Success component considers if Ohio's students are ready for future opportunities.

(viii) K-3 Literacy Description:

Students who are reading proficiently in third grade are five times more likely to achieve college and career readiness than their nonproficient peers. That's why it is essential that Ohio's youngest students who are not on track with their reading receive the help and support they need to be successful. The K-3 Literacy component looks the school's success in getting struggling readers on track to proficiency in third grade and beyond.

Ohio recognizes that reading is the foundation for all learning through its Third Grade Reading Guarantee. Students are required to meet the pre-set standard on the reading portion of the state's third grade ELA assessment to be promoted to fourth grade. The Report Card holds schools and districts accountable for improving the reading ability of Ohio's youngest students through the K-3 Literacy Improvement Component.

Districts and schools receive credit for moving students from being "not on track" with their reading skills during one school year to being "on track" by the time they take the next diagnostic at the beginning of the following school year.

State law requires that "not on track" students must be placed on a Reading Improvement and Monitoring Plan within 60 days of when the results of the diagnostic are known. These students must receive remedial help until such time as they improve enough to be deemed "on track" with their reading.

In the calculation, districts and schools receive a one student demotion for every child in 3rd grade who is not on a reading improvement and monitoring plan during their third grade year and who fails Ohio's 3rd grade ELA test. This provides a strong incentive for districts to identify all students who may have deficits in their reading skills and to serve them with a remediation plan to help the skills grow stronger.

The legislation creating this measure outlined two requirements regarding the grades:

- o Any school or district that has less than five percent of their kindergartners reading below grade level will not receive a letter grade for this measure or component.
- o The minimum range of the "C" grade will be the statewide average value for this component.

See Appendix F for details of this calculation.

**B. Subgroups.**

- i. List the subgroups of students from each major and racial ethnic group in the State, consistent with 34 C.F.R. § 200.16(a)(2), and, as applicable, describe any additional subgroups of students used in the accountability system.

Graded subgroups include:

- All Students
- American Indian/Alaskan Native
- Asian/Pacific Islander
- Black, Non-Hispanic
- Hispanic
- Multiracial
- White, Non-Hispanic
- Economically Disadvantaged
- Students with Disabilities
- English learners

Gifted students are included as separate Achievement indicator (opportunities for and performance of), as well as a separate graded Value-Added measure.

Report only subgroups:

- foster care,
- military dependents,
- adjudicated youth,
- homeless, and
- gender

- ii. If applicable, describe the statewide uniform procedure for including former children with disabilities in the children with disabilities subgroup for purposes of calculating any indicator that uses data based on State assessment results under section 1111(b)(2)(B)(v)(I) of the ESEA and as described in 34 C.F.R. § 200.16(b), including the number of years the State includes the results of former children with disabilities.

Ohio does not include students in the students with disabilities subgroup once they exit special education.

- iii. If applicable, describe the statewide uniform procedure for including former English learners in the English learner subgroup for purposes of calculating any indicator that uses data based on State assessment results under section 1111(b)(2)(B)(v)(I) of the ESEA and as described in 34 C.F.R. § 200.16(c)(1), including the number of years the State includes the results of former English learners.

Students scoring Proficient on the Ohio English Language Proficiency Assessment (OELPA) are exited from English language services but will continue to be monitored academically and included in the English Learner (EL) subgroup for Title I reporting and accountability for four years after exiting EL status. English learners and former (or exited) English Learners will continue to receive locally determined services to be successful in their academic careers.

Ohio will assess and report the performance of newly arrived English Learners on the English Language Arts and mathematics assessments as required under section 1111(b)(2)(B)(v)(I) of the Act for each school year they are enrolled in a school in the United States. The results of the assessments will be excluded from all proficiency calculations (Indicators Met, Performance Index, Gap Closing and K-3 Literacy Improvement) during the student's first and second years enrolled in school; their participation will be included in the participation rate calculation for the Gap Closing Component. The results on the assessments will be included in the Academic Progress indicator beginning the student's second year enrolled in school; the results from the first year assessments will be included to serve as a baseline for this growth calculation. All results from the assessments will be included in all applicable measures starting in the student's third year enrolled in school. Additionally, all English Learners must take the Ohio English Language Proficiency Assessment (OELPA) during their first year in school to measure their progress in learning English. Each EL student must annually take the OELPA until earning a Proficient score and being exited from the program.

- iv. If applicable, choose one of the following options for recently arrived English learners in the State:

- ☐ Exception under 34 C.F.R. § 200.16(c)(3)(i) or  
☒ Exception under 34 C.F.R. § 200.16(c)(3)(ii) or  
☐ Exception under section 1111(b)(3) of the ESEA and 34 C.F.R. § 200.16(c)(4)(i)(B). If selected, provide a description of the uniform procedure in the box below.  
[Click here to enter text.](#)

**C. Minimum Number of Students.**

- i. Provide the minimum number of students for purposes of accountability that the State determines are necessary to be included in each of the subgroups of students consistent with 34 C.F.R. § 200.17(a).

Ohio will use 15 accountable students as the minimum size to evaluate a subgroup (N-size) for the Gap Closing component.

- ii. If the State's minimum number of students for purposes of reporting is lower than the minimum number of students for purposes of accountability, provide that number consistent with 34 C.F.R. § 200.17(a)(2)(iv).

The N-size for reporting purposes is 10 to protect student privacy.

- iii. Describe how the State's minimum number of students meets the requirements in 34 C.F.R. § 200.17(a)(1)-(2);

Ohio currently utilizes an N-size of 30. Ohio proposes a reduction of the minimum number of students needed to qualify a subgroup in the computation of a school's or district's Gap Closing proficiency

measure. The proposed reduction from 30 to 15 students will increase the proportion of students in each group that contribute to the overall calculation. It will also increase the number of schools that are evaluated for each subgroup, thereby providing a more meaningful differentiation and identification of schools that are underperforming with regard to subgroup populations.

Ohio used data from the 2015-16 school year to inform this decision. Moreover, as part of the ESSA stakeholder engagement process, Ohio hosted a webinar specifically to discuss the issue of "N" size. During the webinar, the presenters asked two different questions to offer attendees the opportunity to provide feedback. The first question posed to stakeholders was, "what is an acceptable percentage of students to exclude from subgroup calculations?" More than 58% of responders said that it's acceptable to exclude 0% and 5% of all students. Another 36% said it's acceptable to exclude between 6% and 25% of Ohio students. Fewer than 6% said that excluding more than 25% of the students is acceptable. After reviewing data showing differences in the number of students included and schools evaluated in the subgroup calculations based on several different subgroup sizes, the attendees of the webinar were asked, "which 'N' size option would you recommend for Ohio to include in its state plan?" 56.5% of responders suggested reducing the "N" size to either 10 or 20 students while just 37% recommended maintaining the status quo of 30 students. More than 6% said they didn't know what number should be used. Based on the feedback, Ohio proposes an "N" size of 15 for its subgroup calculations. The tables below show the number of schools with each subgroup based on actual 2016 data where the minimum subgroup size was 30 accountable students versus the number that would have been evaluated under the proposed "N" of 15. The first table looks at the number of schools evaluated for each subgroup and the changes seen by reducing the minimum "N" from 30 to 15, while the second table looks at the change in the number and percent of students included in a calculation.

**Increase in the number of schools evaluated by reducing minimum N size from 30 to 15 (Shown by subgroup):**

Subgroup	Number of Schools Evaluated (% out of 3,334 schools total)		Increase N of schools evaluated	Percent Increase
	Min N = 30	Min N = 15		
Students with Disabilities	1930 (58%)	2851 (86%)	921	48%
Economic Disadvantage	2962 (89%)	3149 (94%)	187	6%
English Learners	269 (8%)	512 (15%)	243	90%
Black	1075 (32%)	1385 (42%)	310	29%
Hispanic	436 (13%)	902 (27%)	466	107%
White	2796 (84%)	2934 (88%)	138	5%
Asian / Pacific Islander	154 (5%)	356 (11%)	202	131%
Multiracial	410 (18%)	1044 (31%)	634	155%

American Indian / Alaskan Native **				
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\*\*Statewide, less than one-tenth of one percent (0.1%) of all students identify with this subgroup so no schools were evaluated for this group in 2016. This will not change regardless of the reduction in subgroup size.

**Increase in the number of students included in evaluated subgroups by reducing minimum N size from 30 to 15 (Shown by subgroup):**

Subgroup	Number of Schools Evaluated (% out of 988,000 students total)		Increase N of students evaluated	Percent Increase
	Min N = 30	Min N = 15		
Students with Disabilities	1930 (58%)	2851 (86%)	921	48%
Economic Disadvantage	2962 (89%)	3149 (94%)	187	6%
English Learners	269 (8%)	512 (15%)	243	90%
Black	1075 (32%)	1385 (42%)	310	29%
Hispanic	436 (13%)	902 (27%)	466	107%
White	2796 (84%)	2934 (88%)	138	5%
Asian / Pacific Islander	154 (5%)	356 (11%)	202	131%
Multiracial	410 (18%)	1044 (31%)	634	155%
American Indian / Alaskan Native **				

\*\*Statewide, less than one-tenth of one percent (0.1%) of all students identify with this subgroup so no schools were evaluated for this group in 2016. This will not change regardless of the reduction in subgroup size.

- iv. Describe how other components of the statewide accountability system, such as the State's uniform procedure for averaging data under 34 C.F.R. § 200.20(a), interact with the minimum number of students to affect the statistical reliability and soundness of accountability data and to ensure the maximum inclusion of all students and each subgroup of students under 34 C.F.R. § 200.16(a)(2);

Ohio will not be averaging data. However, Ohio's Value-Added/Progress measures do use up to three years of data as available.

- v. Describe the strategies the State uses to protect the privacy of individual students for each purpose for which disaggregated data is required, including reporting under section 1111(h) of the ESEA and the statewide accountability system under section 1111(c) of the ESEA;



Maintaining the privacy of our students is critical to our work in Ohio. We comply with state and federal law by masking data when fewer than ten (10) students are in the group. This is done by displaying "NC" or "<10" rather than showing actual numbers. In some cases, a cell will remain blank as a way to note that data are not available for a particular element.

- vi. Provide information regarding the number and percentage of all students and students in each subgroup described in 4.B.i above for whose results schools would not be held accountable under the State's system for annual meaningful differentiation of schools required by 34 C.F.R. § 200.18;

As part of the extensive stakeholder engagement process, Ohio produced a webinar and detailed discussion guide which addressed the question of how many students are included in their respective schools' accountability system at various N-size levels. See Appendix F for the discussion guide.

- vii. If an SEA proposes a minimum number of students that exceeds 30, provide a justification that explains how a minimum number of students provided in 4.C above promotes sound, reliable accountability determinations, including data on the number and percentage of schools in the State that would not be held accountable in the system of annual meaningful differentiation under 34 C.F.R. § 200.18 for the results of students in each subgroup in 4.B.i above using the minimum number proposed by the State compared to the data on the number and percentage of schools in the State that would not be held accountable for the results of students in each subgroup if the minimum number of students is 30.

Ohio is not proposing to exceed 30 in any of its proficiency or graduation rate calculations. For participation, an N-size of 40 is proposed. This is the subgroup size used currently and it's the size approved in Ohio's ESEA flexibility waiver. This calculation determines whether at least 95% of the students in each of the 10 federally recognized subgroups took their required ELA and math assessments. Ohio will keep its current minimum size to ensure that the calculation is statistically valid. In no case will a single untested student affect a school or district's grade, but as few as three untested students may have an effect if the subgroup is small.

- D. Annual Meaningful Differentiation. Describe the State's system for annual meaningful differentiation of all public schools in the State, including public charter schools, consistent with the requirements of section 1111(c)(4)(C) of the ESEA and 34 C.F.R. §§ 200.12 and 200.18.

The system for annual meaningful differentiation will be directly based on the A-F report card which applies to all public schools and districts—including community (charter) schools. This aligned system uses multiple measures to identify areas of strength and areas for improvement.

*Describe the following information with respect to the State's system of annual meaningful differentiation:*

- i. The distinct and discrete levels of school performance, and how they are calculated, under 34 C.F.R. § 200.18(a)(2) on each indicator in the statewide accountability system;

Ohio developed a five-letter-grade A-F report card beginning with the 2012-2013 school year. Schools and districts receive up to 10 measure grades, which are combined into six component grades. The six components then are aggregated to produce one overall summative letter grade ranging from A to F. Appendix F includes detailed technical documents showing how each measure grade is calculated and the grade scale that provides meaningful differentiation between schools that earn the top grades of A versus those with other levels of performance. Another technical document in that appendix explains how the measures are combined to get the component grades and how the components are combined to produce the summative grade.

- ii. **The weighting of each indicator, including how certain indicators receive substantial weight individually and much greater weight in the aggregate, consistent with 34 C.F.R. § 200.18(b) and (c)(1)-(2).**

Ohio's accountability system is hierarchical with each school and district receiving up to 10 measure grades that are combined to create six component grades. The six component grades are combined to produce one overall summative grade. While each measure and component contributes something towards the summative rating, some measures and components are weighted more heavily and thus contribute more.

State regulations requires the Achievement component grade and the Progress component grade to be weighted equally in the amount they contribute to the overall summative grade. In the aggregate, the Academic Achievement, Academic Progress, Graduation Rate and Progress in Achievement of English Language Proficiency through the measure grades and component grades contribute over half of the weight towards the overall summative rating.

The Performance Index measure makes up 75% of the Achievement component and includes the participation requirement used to comply with the federal accountability performance requirements. The additional indicator of School Quality will be included in the Indicators met measure, which accounts for 25% of the Achievement component. The overall or 'all students' value-added measure contributes 55% towards the Progress component.

As shown in the table below and found in Appendix F, Ohio Administrative Code 3301-28-10 identifies that the graded components contribute to the summative grade as follows:

Graded Component	Summative Weighting
Achievement (Performance Index and Indicators Met)	20%
Academic Progress	20%
Graduation Rate (4-year and 5-year)	15%
Gap Closing	15%
K-3 Literacy Improvement	15%
Prepared for Success	15%

- iii. **The summative determinations, including how they are calculated, that are provided to schools under 34 C.F.R. § 200.18(a)(4).**

Each school and district receives up to 10 A-F grades for individual measures which are combined to produce six A-F component grades. The six component grades are then combined to produce one summative, overall grade from A to F. In cases where a school or district has all six components, the Achievement and Progress components are weighted to contribute 20% each to the summative grade with the other four components: Graduation, Gap Closing, K-3 Literacy and Prepared for Success weighted at 15% each. In cases where a school or district has fewer than six components, (e.g. – an elementary school that has no Graduation and no Prepared for Success components), the remaining components are

weighted so that they contribute to the summative grade in the same proportion as when all six exist.

- iv. **How the system for meaningful differentiation and the methodology for identifying schools under 34 C.F.R. § 200.19 will ensure that schools with low performance on substantially weighted indicators are more likely to be identified for comprehensive support and improvement or targeted support and improvement, consistent with 34 C.F.R. § 200.18(c)(3) and (d)(1)(ii).**

The overall, summative letter grades are calculated for each school and district based on the six components, with some components contributing a more substantial weight towards that overall grade. The schools are identified as Priority based on the overall grade (having an overall grade of F) or being in the lowest 5% based on overall student achievement. Schools also are identified based on their graduation rate data (schools with <67% on their 4-year rate will be labeled in Priority status). Focus schools are identified with this label if they earn a grade of a D or F for the Gap Closing component two consecutive years or if they have one or more student subgroups that fail to meet specific, locally determined improvement goals for three consecutive years. Because the identification process uses accountability data and some components are substantially weighted to contribute to the overall letter grade, it ensures that schools with low performance on those components are properly identified for support.

- E. **Participation Rate. Describe how the State is factoring the requirement for 95 percent student participation in assessments into its system of annual meaningful differentiation of schools consistent with the requirements of 34 C.F.R. § 200.15.**

Testing shows evidence of student progress. This provides much needed information to classroom teachers and others so they can monitor and improve student learning. District, state and federal officials also use test results to monitor and improve student learning. Historically, certain populations of students, including minority students, children living in poverty, students with disabilities, and pupils who are not native English speakers, often have not received the same quality of education as their peers across Ohio. To address these equity challenges, Ohio began standardized testing two decades ago — long before No Child Left Behind — to ensure that all students are learning.

Ohio incorporates participation into multiple measures in its accountability system. The Performance Index Score is calculated based on the number of tests that should have been taken versus using just the tests that had actual scores reported. Per state law, a school or district earns zero points for every test not taken, so having untested students lowers the Performance Index Score compared to what it would be with 100% participation. Since the letter grade is assigned based on the percent of possible points earned, a school or district with untested students can see its grade drop by one or even two levels if enough students not participate. In addition, the state's Annual Measurable Objectives or Gap Closing measure includes a participation rate calculation that factors into the final letter grade issued for each school and district. This calculation is done separately for ELA and math for each of the ten graded subgroups identified in Section B of this state plan. If even one subgroup fails to meet the 95% participation rate, the final AMO grade is reduced by one level. Even in cases where the initial grade is an F, points are deducted and the school or district falls deeper into the F range.

- F. **Data Procedures. Describe the State's uniform procedure for averaging data, including combining data across school years, combining data across grades, or both, in a school as defined in 34 C.F.R. § 200.20(a), if applicable.**

Ohio will not be averaging data. (Note: Value-Added measures will include up to three years of data as available.)

- G. **Including All Public Schools in a State's Accountability System. If the States uses a different methodology for annual meaningful differentiation than the one described in D above for any of the following specific**

types of schools, describe how they are included, consistent with 34 C.F.R. § 200.18(d)(1)(iii):

- i. **Schools in which no grade level is assessed under the State's academic assessment system (e.g., P-2 schools), although the State is not required to administer a standardized assessment to meet this requirement;**

Some schools have no grade levels assessed under the state's academic assessment system. These schools will be included, using the same methodology as other schools, in the accountability system. Ohio designed its comprehensive accountability system specifically to ensure that no school will have a report card without a final summative letter grade. Schools that serve at least two grades between kindergarten and second grade (e.g. – K-1, K-2, or 1-2) will receive a K-3 Literacy Component grade which will be used as one piece in the summative rating. Schools with a single grade served (e.g. a single grade kindergarten building or a school that serves only 1st grade students) can be rated on the gifted indicator, as that measure includes gifted identification and service data. Single-grade schools also will have the new chronic absenteeism indicator as that element is calculated using any students with a grade of kindergarten through grade 12.

- ii. **Schools with variant grade configurations (e.g., P-12 schools);**

Some schools have variant grade configurations. These schools will be included, using the same methodology as other schools, in the accountability system. Ohio designed its comprehensive accountability system specifically to ensure that no school will have a report card without a final summative letter grade. Schools with a single grade served (e.g. a single-grade kindergarten building or a school that serves only 1st grade students) can be rated on the gifted indicator, as that measure includes gifted identification and service data. Single-grade schools also will have the new chronic absenteeism indicator as that element is calculated using any students with a grade of kindergarten through grade 12. Schools that serve more than one grade may have multiple measures based on the grades they serve.

- iii. **Small schools in which the total number of students who can be included in any indicator under 34 C.F.R. § 200.14 is less than the minimum number of students established by the State under 34 C.F.R. § 200.17(a)(1), consistent with a State's uniform procedures for averaging data under 34 C.F.R. § 200.20(a), if applicable;**

Given the size and configuration of districts in our state, Ohio almost never has a situation where so few students are attending a school that no grades are calculated for any measure or component. The state has several policies and laws that work together to ensure that schools are large enough to earn at least one letter grade and thus would have a final summative rating.

For most measures or components (including Indicators Met, Performance Index, 4-year and 5-year Graduation Rate and Prepared for Success), a grade is calculated if a school has at least 10 accountable students with data reported. Ohio's new chronic absenteeism measure also will be calculated for all schools with at least 10 accountable students in any grade(s) with data.

Ohio is proposing in this state plan to reduce the "N size" for subgroups to be evaluated for the Gap Closing component specifically to ensure that more schools have evaluated groups. In total, using a small "N size" works to ensure that there are almost no cases where a school is open with so few students that it does not have any graded measures or components.

The Ohio Department of Education's legal counsel reviews all requests by traditional school districts to open a new "school." One thing they consider is whether the school truly is operating as a school versus being a "program" and, as part of that review, they examine the new entity's proposed enrollment numbers to ensure that the school is large enough to be counted in the accountability system.